

between the Senator and myself, and he drafted a contract and sent it to me with a certain article in it. I strike out the article and send it back in that way or I leave the article in, and I sign the instrument, saying, "I am not obligated, however, by article 2 or article 3, or article 4."

Mr. BORAH. I agree with the Senator that it would accomplish the same object; but in view of the fact that these other nations have already ratified the treaty the striking of it out at this time would have the same effect, in my judgment.

Mr. WALSH of Montana. You do not strike it out. Leave it in.

Mr. BORAH. I mean if I struck it out.

Mr. WALSH of Montana. Undoubtedly; that is what I suggested to the Senator, that it would seem that he did not desire to strike the article out; but I inquired of him why he should frame his amendment in that way.

I desire to say, Mr. President, that I quite agree with the Senator from Idaho that the reservation to which we have listened does not change the situation in the slightest degree. I have not any doubt in the world, and I have never heard any argument to the contrary that seemed to me based upon reason at all, if any has been indulged in of any kind, to the effect that we would get into a state of war without a declaration of war by the Congress of the United States and in accordance with the Constitution. Indeed, Mr. President, that is the only ground upon which this covenant can be justified constitutionally at all. There is not any question about that.

But, Mr. President, I want to speak for a moment about the suggestion made by the Senator from Idaho that the President of the United States, if we ratify this covenant, would be authorized to send an army anywhere over the world without any precedent action by Congress in declaring war. I apprehend that if the President of the United States issued an order to any of the officers of the Army to go anywhere, those officers would go there. They would either go, or they would resign their offices, and others would be appointed who would go.

In other words, Mr. President, it seems almost a physical impossibility, under our system, to prevent the President of the United States from sending an army anywhere he sees fit to send it, as suggested by the Senator from Idaho. The only remedy that I know of that we have in such a case as that is to impeach the President of the United States, and of course if he sent an army, for the purpose of making war, into a country with which we are at peace, he would be subject to impeachment.

Mr. President, it is said that he is sending troops to Russia at this time, or has been sending them. But, as suggested by the junior Senator from Wisconsin [Mr. LENROOT], he is not doing so by virtue of any power that comes to him under the league of nations, because, so far as we are concerned, at least, the league of nations does not exist. If he has no legal power or authority under the Constitution to send troops into Russia, what is the remedy? Impeach the President of the United States. That is all you can do about it. Put some one in the Presidency who will call the troops home from Russia. But has any suggestion been made from any source whatever, in either House of Congress, that the President of the United States ought to be impeached by reason of the fact that he has sent troops to Russia? If so, I have not heard it.

Mr. President, the President will be in exactly the same situation when the league of nations is established, and we become a party to it, that he is in now. If he shall undertake to send troops into a foreign country, there to make war, without a previous declaration by Congress, he will be subject to impeachment, just exactly as he is now. Certainly the President of the United States gets no authority by this article. The obligation rests upon the Government of the United States. It acts through Congress in declaring war. I have not heard from any source any argument to the effect that under this the President would be invested with any authority whatever.

The Senator assumes, and that seems to be the burden of his argument, as it seems to me, not that the league of nations, and particularly the council of the league of nations, is actually clothed with these vast powers with which he assumes they may be clothed, but that they will usurp these powers.

We can not, as a matter of course, protect ourselves in advance against any usurpation of power by the council or by any other body. We never refuse to give officers power or authority on the ground that they would usurp other powers which have not been confided to them. We simply refuse, as a matter of course, to recognize any authority in the league of nations or in the council of the league of nations beyond the powers that are granted to them thereby. I fully agree with the Senator from Wisconsin when he says that wherever the league or the council or the assembly is given power only to advise, to recommend,

there can not possibly be any moral obligation upon the part of the United States to follow the recommendation. Otherwise you might just as well use another word. Take article 16, for instance, where the council is called upon to recommend the forces that shall be used for any particular purpose. If the recommendation is not satisfactory to us, upon what theory can it be urged that we are bound to follow the recommendation? I can not believe that anyone will conceive that when the council is authorized only to advise or to propose, anybody is under any obligation to follow the suggestion made. For instance, take the provision of the covenant which authorizes the council to propose a plan of disarmament. If the United States is not satisfied with the plan that is proposed, can it be urged that the United States is under any moral obligation to legislate in conformity with the recommendation that has been made or the proposal that is offered for its consideration? I can not think that anybody will be deterred from giving his approval to the covenant upon any suggestion of that character, at least.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Oklahoma [Mr. GORE].

Mr. LODGE. Mr. President, the Senator from Oklahoma is anxious to take up his amendment in the morning. He thinks there will be but very brief debate and that it can be quickly disposed of, and that will allow ample time for the Senator from Missouri [Mr. REED] to make his speech before 3 o'clock, at which time the vote is to be taken upon the La Follette amendment. I therefore move that the Senate take a recess—

Mr. KING. Will the Senator withhold his motion for a moment? I understood that the Senator from Nevada [Mr. HENDERSON] or the Senator from Washington [Mr. POINDEXTER] would desire to call up a measure which has passed the House and which will only take a moment.

Mr. SMOOT. I will say to my colleague that the Senator from Washington is out of the Chamber, and I have been unable to locate the bill that was to be laid before the Senate. I do not think there will be any objection to the consideration of it tomorrow morning, provided—

Mr. LODGE. Yes; there will be objection to its consideration to-morrow morning.

Mr. SMOOT. Provided it does not lead to any debate?

Mr. LODGE. There will be objection. To-morrow morning is to be devoted to the treaty. I do not want to mislead anyone. I think we will have to put it off until we have a morning hour if it is not ready now. I will gladly yield now. I do not want to make any promises of that kind for to-morrow morning.

Mr. KING. In view of that fact, I shall not ask the Senator to withhold his motion.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, November 5, 1919, at 11 o'clock a. m.

## SENATE.

WEDNESDAY, November 5, 1919.

(Legislative day of Monday, November 3, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harrison	McKellar	Ransdell
Brandegee	Henderson	McLean	Reed
Capper	Hitchcock	McNary	Robinson
Colt	Johnson, Calif.	Moses	Sheppard
Culberson	Johnson, S. Dak.	Myers	Smith, Ariz.
Curtis	Jones, N. Mex.	Nelson	Smith, Ga.
Dial	Jones Wash.	Newberry	Smith, S. C.
Edge	Kellogg	Norris	Smoot
Elkins	Kendrick	Nugent	Spencer
Gay	Kenyon	Overman	Thomas
Gerry	Keyes	Owen	Trammell
Gore	King	Page	Walsh, Mass.
Grobna	Kirby	Phelan	Walsh, Mont.
Hale	La Follette	Phipps	Watson
Harding	Lodge	Poindexter	Williams

Mr. CURTIS. I wish to announce the absence, on official business, of the Senator from New York [Mr. WADSWORTH], the Senator from Indiana [Mr. NEW], the Senator from Wyoming [Mr. WARREN], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Maine [Mr. FERNALD], the Senator from Mary-

land [Mr. FRANCE], and the Senator from Nebraska [Mr. NORRIS].

Mr. KIRBY. I announce the absence of the Senator from Florida [Mr. FLETCHER], who is attending a hearing before the Committee on Military Affairs, the absence of the other Members of which has been already announced.

Mr. GERRY. The Senator from Arizona [Mr. ASHURST], the Senator from Nevada [Mr. PITTMAN], the Senator from Tennessee [Mr. SHIELDS], the Senator from Maryland [Mr. SMITH], the junior Senator from Virginia [Mr. SWANSON], the Senator from Delaware [Mr. WOLCOTT], and the junior Senator from Alabama [Mr. UNDERWOOD] are detained from the Senate on official business.

The Senator from Georgia [Mr. HARRIS], the senior Senator from Alabama [Mr. BANKHEAD], the Senator from North Carolina [Mr. SIMMONS], and the senior Senator from Virginia [Mr. MARTIN] are absent on account of illness.

The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Ohio [Mr. POMERENE], and the junior Senator from Kentucky [Mr. STANLEY] are detained on public business.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

#### PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a response of the United States Shipping Board to Senate resolution 203, which will be printed in the RECORD.

The communication is as follows:

UNITED STATES SHIPPING BOARD,  
Washington, October 30, 1919.

Hon. GEORGE A. SANDERSON,  
Secretary United States Senate, Washington, D. C.

DEAR SIR: Complying with provisions of Senate resolution No. 203, dated October 3, dealing with foreign commerce of the United States, I am pleased to advise:

1. The interest of the Shipping Board in foreign commerce is a primary one to the extent that at present more than 85 per cent of its fleet of over 7,000,000 dead-weight tonnage is engaged in foreign trade. However, in the operation of the Shipping Board fleet, the Division of Operations acts only as the transportation agency for American importers and exporters.

2. The personnel of the Division of Operations (headquarters and field), whose primary function is ship operation, with development of foreign commerce as incident thereto, is necessary to supervise operations of the board's fleet, and said personnel is not greater by reason of its indirect interest in foreign commerce. The total personnel of the Division of Operations as of September 30, 1919, was 1,752, at an annual expenditure for salaries of \$3,540,032.

3. Except for the Panama Railroad & Steamship Co., the Division of Operations is the only governmental agency engaged in the commercial operation of ships.

4. The Division of Operations of the Shipping Board maintains a department, known as the governmental and foreign relations department, which has a personnel numbering seven, at an annual expenditure of approximately \$15,000.

5. The duties of the governmental and foreign relations department, in addition to acting as liaison with Government departments and representatives of foreign countries, on current business, comprise transactions with the War Department for the return of Shipping Board vessels and the redelivery of foreign vessels to owners.

6. The work of the governmental and foreign relations department is not a duplication of the work of any other Government department, as its personnel fully appreciates and realizes that various departments of our Government and foreign Governments represented in Washington have information available which is of vast value in the consideration of our problems, and which said department readily takes advantage of and secures when it is necessary to answer certain requests, thereby avoiding and eliminating the possibility of a duplication of the activities of other Government departments.

Very respectfully,

JOHN J. FLAHERTY, Secretary.

#### STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, I have received a copy of resolutions from the Edwin V. Evans Post of the American Legion, located at the University of Colorado, referring to the present coal strike, which I ask to have inserted in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

EDWIN V. EVANS POST OF AMERICAN LEGION,  
University of Colorado, October 31, 1919.

Whereas the leaders of the coal miners' unions have announced their intention of declaring a nation-wide strike in the coal fields; and Whereas the President of the United States, the Attorney General of the United States, and the governor of Colorado have declared this action unlawful and a menace to the welfare of the country; and Whereas the leaders of the coal miners' unions have declared their intention to persist in calling this strike, despite the appeal and declaration of the Federal and State authorities; and Whereas such action will be in open defiance of governmental authority, of overwhelming public opinion, and of the Nation's welfare: Therefore be it

Resolved by the Edwin V. Evans Post of the American Legion:

First. That its members pledge themselves, by any means in their power, to aid the Federal, State, and county authorities in any emergency which may arise to suppress violence, to maintain law and order, to protect property and life, and to alleviate suffering and hardship

which will result from this unwarranted closing of the mines of the country.

Second. That a copy of this resolution be given to the press, to the Senators and Congressmen from Colorado, to the governor of the State, and to the sheriff of the county.

GERRY CHAPMAN, Commander.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a concurrent resolution providing that a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress at such appropriate ceremonies at the port of New York when the steamship *Lake Daraga* is expected to arrive in New York, on or about November 9, bearing the first bodies of American soldiers from the fields of the World War, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 641. An act to amend an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918;

S. 2883. An act authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.; and

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

#### PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of sundry students of the Leland Powers School, of Boston, Mass., praying for the ratification of the league of nations treaty, which was ordered to lie on the table.

Mr. COLT presented a memorial of Local Lodge No. 119, Militant and Progressive International Association of Machinists, of Newport, R. I., remonstrating against the deportation of certain Hindus, which was referred to the Committee on Foreign Relations.

#### MINING CLAIMS.

Mr. POINDEXTER. From the Committee on Mines and Mining, I report back favorably, without amendment, the joint resolution (H. J. Res. 241) to suspend the requirements of annual assessment work on mining claims during the year 1919, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located and until a patent has been issued therefor, not less than \$100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the calendar year 1919: Provided, That every claimant of any such mining claim in order to obtain the benefits of this resolution shall file or cause to be filed in the office where the location notice or certificate is recorded on or before December 31, 1919, a notice of his desire to hold said mining claim under this resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. THOMAS:

A bill (S. 3374) granting an increase of pension to Corydon W. Sanborn; and

A bill (S. 3375) granting an increase of pension to Elizabeth Leher; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3376) granting an increase of pension to Edward Smith; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3377) for the relief of Lieut. Col. John R. White; to the Committee on Military Affairs.

By Mr. EDGE:

A bill (S. 3378) to provide for the enforcement of the anti-trust laws; to the Committee on the Judiciary.

#### RETURN OF MORTAL REMAINS OF AMERICAN SOLDIERS.

Mr. LODGE. I ask that the concurrent resolution just received from the House of Representatives be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the following concurrent resolution of the House of Representatives, which will be read.

The Secretary read the resolution, as follows:

Whereas the steamship *Lake Daraga* is expected to arrive in New York on or about November 9, bearing the first bodies of American soldiers from the fields of the World War; and

Whereas it is proper and fitting that due recognition be given to the return to our shores of the mortal remains of those men who gave their lives for the cause of freedom: Therefore be it

*Resolved by the House of Representatives (the Senate concurring).* That a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress at such appropriate ceremonies at the port of New York as may be determined upon as proper and appropriate.

That the expenses of said committee and of the ceremonies arranged by it shall be paid one-half out of the contingent fund of the House and one-half out of the contingent fund of the Senate on vouchers to be signed by the chairman of the House and Senate committees, respectively.

Mr. LODGE. I move that the Senate concur in the resolution of the House.

The concurrent resolution was agreed to.

#### TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. GORE. Mr. President, I propose the amendment to the covenant of the league of nations of which I have heretofore given notice.

The VICE PRESIDENT. The Senator from Oklahoma offers the following amendment.

The SECRETARY. On page 27, line 5, at the end of the first paragraph of article 12 of the covenant of the league of nations, after the words "they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council," insert the following: "and not then until an advisory vote of the people shall have been taken."

Mr. GORE. Mr. President, I shall detain the Senate only a few moments in the discussion of this amendment. So far I have refrained from taking any part in the discussion of this treaty. I have been anxious to speed the treaty to final action. I have sympathized with the prevailing sentiment throughout the country that the treaty should be ratified without needless delay.

I wish to say, however, that I do not concur with those who imagine that final action upon the treaty will bring industrial repose to a distracted Nation or to a distracted world. The existing industrial unrest is based upon deeper and wider foundations than the slender isthmus between peace de facto and peace de jure.

There are, however, many people who anticipate an immediate return of industrial peace upon the ratification of this treaty. In my judgment that is a vain hope, but it will render this substantial service: It will demonstrate that the unrest arises from other causes than mere delay in connection with the pending treaty. The elimination of this erroneous cause will set our feet in the path of progress toward the discovery of the real cause of existing distress, and that, sir, is one step in the evolution of a real remedy for existing social and industrial discontent.

Mr. President, I have submitted this proposition in the form of an amendment rather than in the form of a reservation, for reasons which I shall present to the Senate. There are Senators who are unalterably opposed to the adoption of textual amendments to the treaty. They apprehend that such amendments would occasion delay. I do not believe that it would cause the delay which Senators apprehend. I have for my own part voted for a number of amendments, and I shall vote for a number of reservations.

Amendments do directly what reservations do indirectly. I have felt that I ought to vote to do directly what in my opinion ought to be done. I have felt that the Senate of the United States, which is a constitutional part of the treaty-making power, ought not to resort to indirection in the discharge of its highest constitutional function. But I appreciate the feelings and the attitude of those who are resisting amendments in the conscientious belief that their adoption would occasion protracted delay. I would have accommodated this proposition to their views and to their attitude if I had found it possible to do so, but I have not been able to work out a reservation which would accomplish the purpose which I propose by the pending amendment.

The situation in the Senate has been perfectly obvious from the beginning. On the one hand, no textual amendments to the treaty could be adopted; on the other hand, the treaty itself could not be ratified without reservations. I have supported

certain amendments knowing they would be defeated. I could not consistently oppose amendments which commended themselves to my judgment and conscience when I felt in duty bound in the interest of democracy and peace to propose this amendment securing the people a right to an advisory vote. Every Senator knows that to reject all reservations is to reject the treaty itself. To advise the rejection of all reservations is to take the responsibility of advising the rejection of both the treaty and the league of nations. I have not felt willing to assume this responsibility. It is a condition that confronts us, and I endeavored long ago to prevail upon my colleagues to adopt a practical program which would neither ignore the facts nor join issue with the inevitable.

Now to my amendment. Under article 12 of the covenant the member nations obligate themselves not to resort to war for a period of three months after the award of the arbitrators or the report of the council.

This is a self-imposed limitation on the part of nations which contemplate war. The President has asserted that the chief virtue of the league of nations is the fact that it insures discussion and that it provides a cooling time for the heated passions of peoples. I offer an amendment which will invite further discussion and which will afford further opportunity for the cooling of passions. The amendment which I offer proposes that nations after the expiration of the three months shall not even then resort to war until an advisory vote of the people shall have been taken. This is a self-assumed restraint on the part of nations which contemplate a resort to war. It is not liable to the objection that a nation might be invaded or that the danger of invasion might be too imminent to admit of delay. I repeat that this amendment, taken in connection with the text of article 12, affords no foundation for that argument or that apprehension, for if the nations will respect their obligation to adjourn war for a period of three months after the award of the arbitrators or the report of the council, there is no greater reason to doubt that they will respect their further obligation; that they will respect a self-imposed obligation to adjourn the resort to war until an advisory vote of their people may be taken. This eliminates that fear and that apprehension so commonly urged against a referendum upon the issue of peace or war.

We have heard a great deal in these latter days about world democracy. We have been assured that the United States entered this mighty conflict in order to "make the world safe for democracy." The purpose, I assume, was to democratize the world. With that purpose, whether real or ideal, I sympathize; it is undoubtedly a consummation most devoutly to be desired. In harmony with that lofty spirit, I propose this amendment in order to democratize war. I propose an advisory vote of the people on the part of nations contemplating war before they take up arms and plunge their people into the whirlpool of butchery and of blood.

Mr. President, this amendment, this plan, is the only way to democratize war and, in my judgment, it is the best way to prevent and minimize war. Perhaps no one indulges the fond hope that war can be entirely eradicated among the children of men; certainly not until further evolution has been realized in the progress of human affairs; but this amendment is in harmony with our professed purpose in entering the war; this amendment is in harmony with the spirit of the times; this amendment is in harmony with the great currents of human affairs; this amendment is in harmony with the genius of our free institutions; it is in harmony with the principles of self-government; it is in harmony with the theory that governments derive their just powers from the consent of the governed; it is in harmony with the high resolve that this Government of the people, by the people, and for the people shall not perish from the earth. This amendment is in harmony with the historic declaration of President Wilson made at Washington's Tomb on July 4, 1918:

The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, must be upon the basis of free acceptance of that settlement by the people immediately concerned.

My desire is to exemplify my faith in the capacity of the people to govern themselves not alone in national concerns but in affairs that are international.

Whatever else may be said in behalf of the league of nations, it can not be said that it is entirely democratic in its organization. It lacks the two essential conditions of democracy: The representatives to the league are not chosen by a direct vote of the people, and the representatives are not directly responsible to the body of the people in the constituent nations. It lacks both essentials of democracy—direct choice and direct responsibility. One of these conditions is essential even to the sem-

blance of democracy. Both of these conditions are essential to the substance of democracy.

There is one other feature of the league which is not entirely consonant with democratic principles or democratic institutions. In some measure, at least, legislative, executive, and judicial powers are combined and centralized in the hands of the selfsame set of men. Such a combination of powers, Mr. President, is the source and the sinews of despotism. The separation of these powers is essential to liberty and is indispensable to democracy. In dispensing with this partition of powers we now accept as an article of faith and as a rule of action a scheme—I may say an experiment—which bears the universal condemnation of all human experience.

Not only that, but as at present constituted the league will be a government of men and not a government of laws. The will of the council, the will of the assembly, so far as I can ascertain, will not be bound by the principles of international law as they have heretofore existed. There is no rule of action prescribed for the guidance of these men; there is no fixed standard to govern their deliberations or their decisions, and, in the absence of law, there can be no such thing as responsible and assured justice. But I waive these considerations.

There is, Mr. President, in the pending treaty the recognition of one democratic principle. The recognition is not theoretical or academic; it is explicit. The treaty proposes to reduce this principle to practice. It proposes to apply this democratic principle in concrete cases for the decision of important issues and determining the fate and allegiance of considerable bodies of people. I refer, Mr. President, to the plebiscite or to the referendum which is to be applied in the Saar Valley and which is also to be applied in Upper Silesia. The treaty undertakes to apply this democratic principle, perhaps, to the one set of circumstances to which it is least applicable. To allow a small body of people occupying a narrow tract of territory to determine the destiny of great States and larger peoples, I am not certain is required by the principle of the plebiscite, and I am not certain that it will contribute to international peace.

I hope that this resort to the plebiscite will be justified by events; but, however that may be, the point I now make is that the peace commission and the pending peace treaty give distinct and practical recognition to the principle of the referendum or to the principle of the plebiscite.

If the people of the Saar Valley, if the people of Silesia, are to be permitted to decide by an advisory vote under what flag they will live, is it inconsistent to permit them to pass judgment upon the vital issues of peace and war? That is the principle which I invoke.

I should explain that my amendment provides solely for an advisory vote. I do not propose to make this vote conclusive or binding. This distinction rests upon two considerations. Under our Constitution, this league could not provide for a mandatory vote upon the question of peace or war. The power to declare war is vested by our Constitution in the Congress of the United States, and not even the league of nations could divest the Congress of that constitutional power. I do believe, however, that an advisory vote touching the question of peace or war would not be incompatible either with the letter or with the spirit of our Constitution. I am certain that it would be compatible with the spirit of our institutions and with the genius of our people.

There is one other practical reason for providing for an advisory rather than for a conclusive and binding referendum. I think that an advisory vote is in the interest of peace. It is conservative in its character and tendencies. Let me illustrate what I mean.

Suppose that a nation contemplating war should take a vote upon that issue. Suppose that the war party should prevail by a majority of only 1,000 in a vast vote. If the vote were mandatory, if it were final and conclusive, the nation would thereupon find itself in a state of war. It could not retrace its steps, notwithstanding the even division of sentiment among its people. On the other hand, if the vote were advisory and only advisory, the authority charged with the power to declare war, finding sentiment so evenly divided, might still find ways and means to keep the peace, and to avert the impending calamities of war. For this reason, I submit that an advisory vote would contribute more to the maintenance of peace than would a mandatory vote upon the issue.

The object of my amendment is, I repeat, to democratize war. In view of the recognition of the plebiscite in this treaty, there can be no objection founded upon principle to the application of the principle of the plebiscite to the issues of peace and war. My purpose is to permit the people who are to bear the burdens of war to have at least an advisory vote as to the desirability of a proposed war. I wish to let the boys who are to bleed and die, I wish to let the fathers and mothers of the boys who are to

bleed and die, have the privilege of at least an advisory vote as to the indispensable necessity of a proposed war.

In view of the recognition by the treaty of the principle of the plebiscite, there can be only one argument against this proposed amendment. That is the ancient, the undemocratic, the autocratic argument that the people are not qualified to pronounce judgment upon the issue of peace and war. It is the autocratic, it is the undemocratic, contention that the people do not understand the finesse of foreign diplomacy, that the people do not understand the profound principles of international jurisprudence, that the people do not understand the mysteries of higher statecraft; it is the old contention that the people do not understand their own vital interests, the contention that the people do not understand and can not preserve their own national honor; it is the old contention that the people are not capable of self-government.

Mr. President, one hundred and fifty years ago it was denied by kings and emperors and czars that the people were capable of self-government even in domestic affairs. Those in high places feared democracy. Tyrants feared that it meant the rule of the mob and the reign of the anarchist. Faith in the capacity of the people for self-government is the slow growth of uncounted centuries. It comes only with the process of the suns. At that time they challenged the capacity of the people equally with respect to national and international affairs. With opportunity and experience, the people have demonstrated their capacity for self-government in connection with local and national concerns. If they are afforded an opportunity, as they will one day take the opportunity, the people will demonstrate their capacity for government in international affairs. Thomas Jefferson rendered his country, Thomas Jefferson rendered the human race, no greater service than in the exhibition of his unflinching faith in the capacity of the people for self-government.

Mr. President, for my own part I think that the people themselves are quite as well qualified to pronounce judgment upon the question of peace and war as are kings and emperors and kaisers and czars. I think that an advisory vote on the part of the people would be a salutary guide to the action of congresses and parliaments. The voice of the people is the nearest approach to the voice of God.

What Senator is willing to deny the capacity of the people for self-government? What Senator is willing to deny the capacity of the people to pronounce judgment upon the questions of peace and war? What Senator is willing to deny the fathers and mothers of the soldiers of this and other countries at least an advisory vote upon the tragic issue of life and death? What Senator is willing to draft free-born American citizens to die in a war which he insists they can not understand? If this be true, why not let the sages, let the savants, let the statesmen who understand these wars wage these wars which baffle the understanding and which exceed the capacity of the common man? What democratic nation will deny the capacity or the right of its people to have an advisory vote before resorting to the bloody arbitrament of the sword? If the Kingdom of Great Britain is democratic, will it deny its people this democratic right? If the Republic of France is democratic, will it deny its people this democratic right? If the Kingdom of Italy is democratic, will it deny its people this democratic right? The very word "democracy" means the rule of the people. The consent of the governed is the soul of democracy. To me it was a distinct disappointment that the covenant of the league did not embody this democratic principle, that it did not embody a provision for an advisory vote preceding an appeal to the sword. If tendered by this country I believe this principle would be accepted by every nation which professes democracy. I know it would be adopted by every nation which practices democracy. You may delay, you can not defeat, the ultimate triumph of this principle of true democracy. I propose this amendment in the interest of democracy and peace. My sole and supreme purpose in the presentation of this amendment and in my course touching the pending treaty has been to promote peace and prevent war. My devotion to peace, my abhorrence of war, is beyond challenge.

Mr. President, it would be a calamity worse than war if nothing came out of this war to prevent or to minimize war, to minimize the causes and possibilities of war, to minimize the horrors and sorrows of war. If the human race, bleeding now at every pore, should waste this opportunity to erect every possible guaranty of peace, it would, in my judgment, constitute an impeachment of twentieth-century civilization. Of course, there will be no final preventive of war until mankind comes to regard war as the worst of evils. This has never yet happened. Men have not regarded war as the worst of evils. Ofttimes they have regarded it as an inconsiderable evil,

and apparently at times have looked upon war as a positive blessing in itself. Education in that direction, evolution in the direction of peace, must be our remedy, and we can not rely solely upon a mere paper contrivance. Such contrivances have often been formulated in the past. Such contrivances have often been signed by high signatory powers. Such contrivances have often bound the honor of nations in the past, yet they have proven to be ropes of sand. They have not kept the peace; they have not averted war; still that should not discourage an honest effort on our part to promote peace and to prevent war.

Mr. President, I have voted for a series of amendments to the treaty. I shall vote for a series of reservations to the treaty. These votes have only one purpose, have only one object, to minimize the causes, to minimize the dangers, to minimize the possibilities of war. I have voted, in the interest of peace, to clarify the terms of this treaty, to make the terms of the treaty certain and distinct beyond the possibility of cavil, as far as human foresight can bring that to pass.

Uncertainty is the womb of war. Its spawn is strife. As far as I can, I wish to obviate all uncertainty. When the President laid the first draft of this league before the American people it evoked a great deal of constructive criticism, and I say that constructive criticism is now and has always been the headlight of advancing civilization. To extinguish such criticism would be to petrify the human race.

When the President returned to Paris he undertook to respond in three important particulars to the criticism which the treaty had evoked. He secured a change in regard to the Monroe doctrine, in regard to domestic questions, and in regard to the right of withdrawal. The President's efforts, in the opinion of a great many patriotic people, did not quite succeed. Indeed, he has proclaimed that the treaty was not all that he wanted. Old World diplomacy hampered his efforts and limited his success.

The Senate is now engaged in an effort to complete the changes which the President attempted upon his return to Paris. The Senate is now engaged in an effort to make it certain beyond doubt that the Monroe doctrine is not abrogated, to make it certain beyond doubt that domestic questions are reserved within the jurisdiction of the United States, to make certain that the right to withdraw is so distinct that it can never be challenged, and that the United States will never be obliged to hew its way out of the league of nations with the sword.

Mr. President, I am one of those Americans who believe in America for Americans. I believe in an America of Americans, by Americans, for Americans. I am one of those who believe that we ought to declare, as our fathers declared, that these States, then colonies, are and of right ought to be free and independent States. I do not think that this declaration should be made with either a blush or an apology.

I am one of those who believe that sovereignty is to a nation what honor is to a man and what chastity is to a woman. I am one of those who believe that it is as impossible to arbitrate purely domestic questions as it would be to arbitrate the sanctity of the home. There are many Americans who would insist upon the preservation of the Monroe doctrine as they would insist upon the sacred right of self-preservation.

These sentiments, Mr. President, ought not to be the subject of criticism. They are animated by patriotism. They may be ill-advised, they may be unwise, and yet they are inspired by pure Americanism, they are animated by undoubted patriotism.

The President maintains that the language respecting domestic questions, the Monroe doctrine, and the right of withdrawal means exactly what certain Senators insist the language should mean. All agree as to what the language should mean. The only dispute is as to whether the language actually bears that meaning beyond all doubt. This ought to be the easiest imaginable difference to adjust and reconcile. When men agree as to what they wish to say, they ought to be able to agree as to how to say it. If serious men can not adjust a difference of this character, how can they hope to prevail upon jealous nations to adjust and compromise quarrels which are older than recorded history? May I not commend to all parties concerned the spirit of conciliation?

I wish to insert at this place the famous parable against persecution. It is a classic, and is supposed to run back to the ancient Jewish Talmud.

THE VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

And it came to pass after these things that Abraham sat in the door of his tent, about the going down of the sun. And behold a man bent with age coming from the way of the wilderness leaning on a staff. And Abraham arose, and met him, and said unto him, "Turn in, I pray thee, and wash thy feet, and tarry all night; and thou shalt arise early in the morning, and go on thy way." And the man said, "Nay; for I

will abide under this tree." But Abraham pressed him greatly; so he turned, and they went into the tent: and Abraham baked unleavened bread, and they did eat. And when Abraham saw that the man blessed not God, he said unto him, "Wherefore dost thou not worship the most high God, creator of heaven and earth?" And the man answered and said, "I do not worship thy God, neither do I call upon his name; for I have made myself a god, which abideth always in my house, and provideth me with all things." And Abraham's zeal was kindled against the man, and he arose and fell upon him, and drove him forth with blows into the wilderness. And God called unto Abraham, saying, "Abraham, where is the stranger?" And Abraham answered and said, "Lord, he would not worship Thee, neither would he call upon Thy name; therefore have I driven him out from before my face into the wilderness." And God said, "Have I borne with him these hundred ninety and eight years, and nourished him, and clothed him, notwithstanding his rebellion against me; and couldst not thou, who art thyself a sinner, bear with him one night?"

Mr. GORE. In behalf alike of the interest, the honor, and the dignity of the United States, I voted for an amendment and I shall vote for a reservation to equalize the voting power between this Republic and the British Empire. No amount of arithmetical sophistry or legerdemain will ever convince the common sense of America that one vote is the equivalent of six votes. Our people understand voting too well for that. I hope that democracy will not stake its future and its fortunes upon its ability to demonstrate the truth of that self-evident absurdity. If six votes are not more than one vote, the British Empire ought not to ask it. If six votes are more than one vote, the British Empire ought not to have it. Either horn of the dilemma forbids our consent to this inequality, to this degradation. Why should red-blooded Americans hesitate to demand equality with the British Empire when Mr. Fielding declared in the Canadian Parliament that Canada had no more right to a vote in the league than the State of New York; when the editor of the Free Press published in Ontario condemned this inequality of voting power; when Mr. A. G. Gardner, late editor of the London News and a distinguished advocate of the league, asserted that the United States had just ground to complain of the proposed inequality of the voting power, and suggested that Great Britain should take the initiative in the establishment of such equality. Some Americans comfort themselves with the statement that the unequal voting power makes no difference in view of the requirements as to unanimous consent. The requirement of unanimous consent in respect to reports and recommendations touching international disputes is limited to the council. It is often said that the United States can protect itself in the council because nothing can be done except by unanimous agreement. It is true that the United States has a veto, an effective veto, in every controversy considered by the council in which the United States is not concerned, but it has no voice, it has no vote, it has no veto, in any controversy which concerns the United States. There is the rub. In all such controversies it is denied a vote and denied a veto. The requirement as to unanimous consent is of no avail when our interest, when our destiny, is involved. The requirement as to unanimous consent does not apply where disputes are appealed to the assembly. There the majority controls and six votes count for more than one. If Great Britain and the United States should be parties to the controversy, both would be denied a vote in the assembly. But the British Empire would still have five votes. Such an inequality, such a disparity, is as incompatible with the interest and the continued good will of the two nations as with the dignity and honor of the United States as a sovereign and independent nation. I am not willing to say by my vote that the British Empire is six times as good or six times as great as the United States of America. I am not willing to say by my vote that this puissant, that this matchless Republic is a sixth-rate power. I say this as one who had five ancestors in the struggle for American sovereignty and independence.

Mr. President, I shall vote to modify article 10. There are many uncertainties in connection with this league. Indeed, there is only one certainty, and that certainty looms lurid as the nether flames, and that is that article 10 obligates the United States to take part in every war that ever happens upon this planet. That is certain. That is certain unless we modify article 10, or unless we repudiate the moral obligation imposed by article 10. Only by treating article 10 as a scrap of paper can the United States escape a resort to war whenever a war anywhere shall be instituted that threatens the boundary lines of any nation upon the globe. Article 10 binds us to tax our people, to spend our money, to draft our boys, to shed their blood, to sacrifice their lives, in every war that ever happens involving the boundary lines of a member of this league, whether it be in Europe, in Asia, in Africa, or in the islands of the sea.

Mr. President, I do not like to bind the United States in advance to participate in all these wars, which concern neither

our rights, our interests, nor our honor. I am not willing to draft our boys and send them over the sea to die upon the burning deserts of Arabia or upon the frozen tundras of Siberia in quarrels that concern us not. I would not sacrifice the life of one Oklahoma boy, I would not break the heart of one Oklahoma mother, to decide whether Greece or Serbia should own the Sanjak of Novi-Bazar, nor to confirm the clouded title of Japan to the pilfered Province of Shantung. It should never be forgotten that during the last 105 years there have been 52 bloody wars in Europe. The United States engaged in only two of these wars. A league of nations which would have reduced this number one-half, reduced it to 26, would have been a great blessing to Europe, but a league which would have involved the United States in 26 wars would have been a rather bloody blessing. Does not this warn us to heed the voice of Washington and beware of entangling alliances? The United States entered the recent war, and was able to determine that war in its own favor and in accordance with its own interests and purposes. Let us hope that the United States will never be obliged to enter another war, but if it should, let us hope that it will be able to decide such war in accordance with its interest, its purpose, and its honor. Faith in the chivalry and heroism of our soldiers, exemplified upon the fields of France and Flanders, renders such a conclusion beyond all doubt.

There is a possibility, however, that the pending league, unmodified, would extend the ancient European balance of power to Asia and to the Americas. If that should happen, and if history should not belie all its lessons and examples, it would result in the formation of a counter combination. The world would divide into two vast armed camps, and the issue in that event might possibly be rendered doubtful if the United States should commit itself in advance.

Mr. President, there are those who fear that the proposed arrangement is not a league of nations at all, that it is only an alliance, that it is an offensive and defensive alliance on the part of the Big Five, and that this alliance might degenerate into an oligarchy.

Mr. President, I am one of those who believe in a society of nations, and I hoped to see, and I still hope to see, a society of nations grow out of this war, a society of nations that will create an international court of justice. I would be willing to commit to that court of justice all justiciable questions. I think that I might consent to refer to that court questions which are denominated nonjusticiable if only moral sanctions were to be attached to the decisions, and if there should be no resort to armed force and to military power.

To my mind the phrase, "A league to enforce peace," is a contradiction of terms. I hope the present arrangement will develop into a society of nations, a society of nations that would not only institute the sort of court I have mentioned but a society of nations that would constitute an international legislature, an international legislature vested with the power and charged with the duty of clarifying and codifying international law, rendering its principles distinct and certain.

I would be willing that the principles of international law which such a legislature should promulgate by unanimous consent should be accepted as binding upon all the members of the society. The principles of international law agreed upon by three-fourths of the States represented might constitute binding international law as between the States agreeing, but the principles of international law agreed to by only a majority should merely be published for the enlightened verdict and opinion of mankind. This might not immediately bring about a definitive code of international law which would be binding upon the conscience and the conduct of men, but it would set in operation forces which would lead to the evolution and to the final consummation of such a system of international jurisprudence and international justice. Mr. President, I devoutly desire the consummation of such an end and the realization of such an ideal.

I know that the people of the United States and that the people of the world, bent and bleeding with war, are praying to the God of nations to send them universal and perpetual peace. Mr. President, I sympathize with their prayers and with their heartfelt yearnings and aspirations. I am determined, both as a matter of duty and of choice, to aid the people in realizing these holy aspirations. The people everywhere are asking for a fish. We must take care not to give them a hissing serpent. The people everywhere are asking for an egg. We must take care not to give them a scorpion that will sting them to the death.

I am determined to do everything possible to promote peace and to prevent war. My chief concern is that whatever we shall do may contribute to the preservation of peace and to the prevention of war, and that it may not prove the highway into

every war that ever happens upon this revolving planet. That, sir, is the object of my deepest solicitude for my country and for my countrymen. This solicitude explains my attitude and my course with respect to the league. The one tragedy that would be worse than war would be for our honest efforts to keep the peace to prove the means of involving us in endless wars. We should adopt every precaution that human foresight can devise to avert such a tragedy. In our desperate desire to take a step in the right direction we must use every possible precaution not to take a leap in the wrong direction. We must not set the dove of peace upon the dragon's nest of war. This is the counsel alike of prudence, of patriotism, and of humanity.

The distinguished originators of this league do not exemplify perfect faith in its efficacy to preserve the peace of the world. When President Wilson laid the first draft of the covenant before the commissioners in Paris he said:

Armed force is in the background; and yet it is not in the background. If the moral forces of the world will not suffice to keep the peace of the world, physical force shall.

Physical force shall!

There, Mr. President, is a doubtful mark that looms as high as the heavens. But the President is too profound a historian to imagine or to assert that he could devise or that they had devised a sovereign remedy for war among the children of men.

Premier Clemenceau exemplified his doubt in the efficacy of the pending league when he secured or accepted the special alliance or treaty between the United States and France, a treaty under which we bind ourselves to go to the rescue and defense of France in case of an unprovoked attack on the part of Germany. If the premier of France had reposed implicit faith in the league of nations, if the premier of France had reposed as much faith in the league as we are bidden to entertain and exhibit, he would not have sought, neither would he have accepted, this special arrangement for the defense of France. He would have relied upon the league of nations to provide France with ample security and protection against her ancient and conquered foe.

Lloyd-George, in a recent speech in Parliament, indicated that he would hereafter expect, when the British Empire entered war, that the United States would enter the war, and would enter the war by virtue of the two facts that the British Empire had entered the war and that the United States was a member of the league. I do not know how much weight we should attach to an opinion of this sort.

But, Mr. President, our own country has not exhibited the implicit and trusting faith in the league of nations which the Senate is asked to exhibit. I refer now to the Army reorganization bill which is pending in the Senate and in the House of Representatives. This reorganization bill has the approval of Gen. March, the Chief of Staff. It has the approval of Mr. Baker, the Secretary of War. It is to be assumed that it is an administration measure. What does this bill provide? It provides that every able-bodied male person in the United States, between the ages of 18 and 45 years, shall be automatically drafted into the military service when the United States enters war; that 22,000,000 men shall be automatically drafted into the military service without any further action, without any further authorization, upon the part of the Congress.

What else? Before our entry into the war we had a standing Army of approximately 82,000 men. Under this administration Army bill now pending it is proposed, notwithstanding the league of nations, to create a standing Army in time of peace of 500,000 Regulars and to create a reserve of 750,000 men. This new Army is to cost \$900,000,000 a year; is to cost about seven times as much as our Army cost before our entrance into the war; is to cost, if I remember correctly, three times as much as the entire German military establishment before the war. This new Army is to cost \$200,000,000 more than the total expense of the Government of the United States for all purposes prior to the war, excepting only the Post Office Department, which pays its own way.

In addition to this vast and expensive Army in time of peace, we are to have a Navy costing \$1,000,000,000 a year.

Mr. President, are these the first fruits of universal disarmament? Is this the evidence of our faith in the efficacy of the league to preserve peace and to prevent war? Are these vast preparations to be carried forward in the light of world democracy and universal disarmament and perpetual peace and the brotherhood of man and a return of the golden age?

I mention these facts as evidence of a want of faith on the part of certain high officials—which we are forbidden to share—in the infallible and entire efficacy of the proposed league to prevent war and perpetuate peace.

If those who framed and sanctioned and formulated the league of nations have exhibited so many proofs of their want of faith,

should not the honest and earnest efforts of those who are seeking in good earnest to make this league a guaranty of peace and a preventive of war be viewed with temperance and with tolerance?

I am not willing to conceal the fact that I shall vote against the Army reorganization bill to which I have referred. I shall not vote to set up in America that militaristic system which we have sacrificed so much to tear down in Germany. I am not willing to welcome in this free Republic that foul demon of militarism which we have attempted to cast out of the German Empire.

Mr. President, the time may not have come when the Senate or the parliaments of other nations will consent to give the people themselves even an advisory voice in a declaration of war, but, sir, the stars in their courses are battling for this principle. This principle and its consummation are in the womb of the future. It is but a matter of time until governments will consent, consent perhaps with reluctance but will consent, to invest the people with some power and with some voice touching the mighty issues of peace and war. The time will come in the advance of democracy, which is as resistless as the tides of the sea and the revolutions of the planets, when sovereign peoples will refuse to be devoted to butchery and death without their own sovereign and voluntary consent.

In an earnest and perhaps in a premature effort to speed the coming of that day, that day of realized democracy, I have proposed the pending amendment.

I wish to have printed as part of my remarks an editorial from the Brooklyn Times in support of my amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

#### SENATOR GORE'S PROPOSAL.

The various amendments which would have effected a textual change in the treaty of Versailles were voted down in the Senate yesterday. The victory was not one for the administration forces, but for the block of Senators who fear the effect of opening up the whole question, and prefer to carry out the aims that have been developed as representing American sentiment by a series of frank reservations.

Senator Gore introduced a proposal that goes to the bottom of the question. He advised that no war be declared without a referendum and the approving vote of the people. No better safeguard of peace among civilized nations could exist than such a provision in the treaty. It may be urged against it that there are occasions when an attack suddenly made would necessitate immediate action by the Government. If the spirit of the league is what it professes to be, there is no great likelihood of such an event. The proposed machinery of the league allows for a period of discussion in cases where controversies trend toward war, and plebiscites could be speedily arranged and carried out while these discussions were in progress. Should a nation take advantage of the situation, make a sudden attack, however, the Government would be ready to meet it and could trust to the patriotism of the people to sustain it. That is a supposable case, to guard against which all the machinery of the league would be impotent. Senator Gore's proposal is worthy of consideration, and if it can not be made an amendment to the treaty, it can at least be submitted to the league as a step in the direction of further minimizing the possibilities of war.

Mr. MYERS. Mr. President, I intend to vote for the pending amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. I have during my service in this body many times voted with the Senator from Wisconsin, and in this instance I intend to do so again.

It had been my hope to vote against every amendment and every reservation offered to the peace treaty; it had been my intention to do so if I could conscientiously. That was my decided intention and predilection for a long time. Every inclination on my part was in that direction, and until recently I thought perhaps I could conscientiously do so and favor ratification of the peace treaty exactly as it is. In the last few weeks I have come to the conclusion, however, that I can not conscientiously vote to retain in the peace treaty Part XIII, or, at least, that I can not conscientiously vote to ratify the treaty without first voting to strike out that part.

I believe Part XIII is fraught with possibility of great danger. I believe it is teeming with possibilities of trouble. I believe it would provide a nursery for the germination, sprouting, and dissemination of socialistic and bolshevistic doctrines, which would tend to create unrest amongst those who are already dissatisfied, to make people believe that they have further and greater grievances when they already claim that they have much in the way of grievances, and would tend to create disturbance all over the world. I think the result would be that it would extend to the entire world the industrial disturbance, dissatisfaction, and unrest which now unhappily exists in this country.

I believe the body or tribunal provided for by Part XIII would be a hothouse of freakish, fantastic, and radical ideas which would take root in the minds of ignorant and unsuspecting people everywhere and cause them to take positions which they would not otherwise take and make unreasonable demands which they would not otherwise make. There are hundreds of thousands of workmen in this country who are ignorant aliens, who know nothing of our institutions, of our laws, of

our traditions; who will give credence to anything that is told them that will tend to set them against the Government, against the established order of things, against organized society. They are easily misled and imposed upon. The investigation of the steel strike, which has been conducted by the Senate Committee on Education and Labor, has disclosed that there are thousands of ignorant, illiterate foreigners working in the steel mills who are told by agitators and demagogues and who believe that the Government will soon take over the steel industry and run it, and grant all of their demands and pay any wages they may ask; that there are thousands of them who are told and who believe that all they have to do is to stay out on strike a little while longer and the workmen will then take control of the steel mills and do away with bosses and run the mills themselves and fix their own wages and their own hours of labor. This shows how credulous they are, and there are millions of such in this country, to say nothing of the rest of the world. They are easily imposed upon. They furnish a fertile field for the sowing of socialistic, anarchistic, bolshevistic seeds; and the opportunity is readily taken advantage of by designing men. So it will be, in my opinion, if the international labor conference provided for by Part XIII of the treaty be established. There would be sure to be in it men from all quarters of the world who would seize this opportunity for trouble.

If the world labor conference for which Part XIII of the peace treaty provides were established, I feel it safe to assume that some of the most radical elements of labor to be found in the world would be represented there. They would be sure to proclaim loudly their radical ideas, their extravagant demands, their unreasonable complaints. Doubtless Mr. Arthur Henderson would be a delegate from Great Britain. Doubtless some of the most socialistic and radical representatives of labor from France and Germany would be delegates.

The radical elements of labor in all countries of the world seem to be dominant now. I suppose the radical elements of labor in this country would probably select the representatives of labor from this country. I believe there is to be, on the part of each country participating, one representative of labor, one of capital, and two of the public. I suppose it is fair to assume that representatives of labor from this country would take very radical and advanced ground. All the labor leaders seem to take those grounds now, or nearly all of them, and such as do not take those grounds seem disposed to drift with the tide.

As to who might be the representatives of the people of this country, of the public, I have no idea; we have no assurance as to who or what they might be. Mr. B. M. Jewell was appointed a representative of the public in the late conference between capital and labor that assembled here in the behest of the President. He is, I believe, who said a few weeks ago that, if a certain policy were pursued by the President, the railroads would be tied up so tight they would "never run again," which could only mean their physical destruction by dynamite or some other powerful agency.

Mr. William Bullitt and the former minister of the Gospel, Rev. Mr. Herron, have represented the people of this country, I believe, in some capacity in times past.

I do not say that such men would be delegated to represent the public in the proposed international labor conference, but we do not know what would be the character of the men who would represent the public. I do know the occasion would afford an opportunity for infinite harm. It would afford a forum for proclaiming every doctrine of unrest and evil. Plenty there be who would listen and believe.

I think the scheme a fanciful, socialistic creation which is fraught with great danger, and I am not willing to vote to ratify the peace treaty with that provision in it if it can be eliminated, and for that reason I shall vote for the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], which would strike out of the peace treaty Part XIII, the part which provides for an international labor body of vast powers.

Mr. REED. Mr. President, I very greatly regret that the condition of my health is such as to have kept me from the Senate Chamber for a number of days, and that this morning, although I think the Senate has practically held this measure until to-day in order to give me an opportunity to express my views, I am still far from being in any condition to endure the fatigue or to rally the energies necessary properly to present this question either as its importance demands or even as my own poor abilities ought to be represented. I shall have to ask the indulgence of the Senate, therefore, if I proceed in a somewhat leisurely fashion, and if what I say may not be as well connected or as forcefully put as the dignity of the occasion and the importance of the subject demand.

We are about to vote upon a proposition to strike out Part XIII of the German peace treaty. Part XIII of the

German peace treaty is in reality part and parcel of the league of nations covenant, the league of nations covenant, as we have spoken of it, constituting the first part of the German peace treaty, and the labor question, which we are now discussing, constituting the thirteenth part. It has a very proper number, if there is anything in the old superstition that 13 is unlucky.

Part XIII was not submitted at the time the so-called league covenant or constitution was submitted. I believe it was withheld at that time for the purpose, if possible, of diverting attention from it and of bringing about the very state of affairs which now confronts us. The state or condition is that the attention of the country has been riveted upon the provisions of article 10 and article 13 and upon certain other provisions of the peace treaty, and Part XIII, which has to do with the labor proposition, has apparently been regarded as immaterial; and yet, sir, it is the most revolutionary, the most dangerous, and the most infamous of all the dangerous and infamous provisions of this document, which proposes to change the form and structure of the American Government and to betray the rights of the American people.

Every effort is being made to force this treaty to a vote; to force it to a vote without an opportunity for the American people even to understand its provisions. The cry is Haste! Haste! Ratify! Ratify at once; accept without deliberation! Why this haste? There never was a man yet who had a gold brick which he was trying to dispose of who was not anxious to make a quick bargain. There never was a man with honest goods who was not anxious to have a thorough examination. If this treaty contains the virtues that its proponents claim, then every day of discussion will add to their strength and every hour of investigation will bring forth more clearly their shining and glorious qualities; but if it will not bear the acid test of investigation, then its proponents must have a hasty consideration and a very prompt vote. So we were told before the original draft of the original constitution, now called a covenant, was presented that it ought not even to be discussed, at least until the President had returned and had shed light upon the subject for the benefit of the darkened intellects of the Congress and the country.

Again, in consonance with the same policy, when the President started back to Europe on March 4, I believe it was, he said publicly that he proposed to return to Europe and to tell the people of Europe that the people of the United States were for this league, although there was not 1 per cent of the people of the United States that ever had any opportunity to know what was in the league, and that he proposed to so intertwine and interweave the conditions of this covenant with the conditions of peace that we could not dissect them apart, the object and purpose plainly being to deprive the Senate of the opportunity of exercising its constitutional right and to compel it to accept an instrument in which it did not believe, which it did not think to be just, and to put upon it the hard condition of rejecting peace and perpetuating a state of war. It was the boldest declaration of a proposed attempt to deprive a coordinate branch of the opportunity to exercise its constitutional functions that has ever fallen from the pen or the lips of an American Executive.

But, Mr. President, the situation has eventuated a little differently than was anticipated. The world is at peace; peace is an accomplished fact. If we were to ratify the peace treaty to-day by the vote of the Senate, it would not in any substantial degree change existing conditions. We are free to take whatsoever time we need without injury to the public and without perpetuating an actual state of war, whatever may be the technical state; and we can wipe out that technical state by a resolution of Congress to-morrow without the slightest danger to the Republic or without yielding a single right we may desire to enforce. So that it is mere chicanery put upon the public when they are told that we must ratify the peace treaty in order to have a condition of peace.

Again, we are told that we must make haste in order that business conditions may be settled. What business conditions, I pray you? Is it our foreign commerce? The argosies of the nations are moving back and forth across the seas with as complete freedom of intercourse as they ever had in the history of the world, the solitary exception to that being where embargoes have been placed by orders of our allies against the ships landing at the ports of certain countries with which we are technically at peace and have always been technically at peace. I refer, of course, to Russia. There is no interference with trade except the interference that is made by the unlawful mandate of a body of men over in Europe to whose commands we seem to be a party, or at least trucklingly subservient.

But some say that the declaration of peace will bring stability to business; that if we will adopt the league of nations we will inspire the world with confidence.

Mr. President, we will inspire with confidence the international financier who has invested his money in the rotten securities of Europe, and if you will withdraw that force from the elements that are back of this league you will withdraw the most potential force that is there to-day or that has been there from the first—the gentleman who made his investments in European securities, either private or public, and who now desires to have those securities underwritten by the United States and indorsed by the blood and tears of the American soldier and the American mother of the American soldier.

I affirm, sir, that the rejection of this league of nations is the thing that would inspire with confidence the real business of this country, the American banker as contradistinguished from the international banker, the American banker who expects to make his money by dealing honestly with the American people instead of the international banker who looks to foreign fields that he expects to harvest, and who sees a golden crop that his hands long to gather. I affirm, sir, that to the American banker who expects to do business in America you can do nothing of a more disturbing nature than to adopt this league of nations, and you can do nothing that will bring him more confidence and peace of mind than to reject it. And why? Because if you adopt the covenant of the league of nations the domestic banker, the American banker, knows that you have contracted to become a party to every war of the world. He therefore knows that there lurk in Europe and in Asia and in Africa, in every part of the world, latent dangers or irritating causes which may at any moment bring about a condition of war, that you have multiplied by 10,000 the chances of war, and he knows that there is nothing in all the world so disturbing to business as the prospect of war. You have so disturbed the mind of the American banker and the American business man when you bring about a condition in which our affairs, financial and political, are so intertwined with the affairs of Europe and Asia that every disturbance there must be immediately and directly reflected here. You can not escape it.

Suppose that we were to-day to withdraw from the league, make our peace, and say to all the world that America intends to look after her own affairs, that she will not be a party to European wars, that she will not be a party to Asiatic controversies; that here, within her seagirt shores, relying on her own strength and responding only to her own liabilities, she will continue to grow and prosper. There is not a business man in the United States, there is not a financier in the United States, who would not recognize in that fact a guaranty of security for his investments honestly made in this country. So that when this talk is put forward that we must rush this treaty through in order to create business stability, it is the dishonest cry of the dishonest man putting forward a false argument in support of a false issue.

It is proposed, sir, to change the very structure of our Government, and we intend to rush it through without giving the American people the slightest chance to express their own opinions. Men may stand in this Senate, or they may stand in other places, and say they represent the voice of the American people; but the American people never have had an opportunity to utter that voice, and the American people have not yet had presented to them the issues that are really wrapped up in this proposed treaty.

We might as well talk plainly. To begin with, no man can understand this document unless he is a great lawyer, or the equivalent of a great lawyer—I mean when he is thrown back upon his own resources to analyze it. Moreover, in addition to being a great lawyer he ought to be a great international lawyer, and in addition to both he ought to have a profound knowledge of ancient and modern history and to have been a close student of the treaties now governing the nations of the world. How many men living fill that definition? How many men in this Senate fill it? I do not claim, for my part, that I fill these qualifications. Every time I turn my attention to this document I feel the lack of ability, the lack of training, the lack of knowledge pressing upon me as a heavy burden. Of course, there is the cock-sureness of the ignorant, which may be consoling to some individuals, but I believe I have never been guilty of thinking I was able to solve all the difficulties within the four corners of this remarkable document.

What the people can understand, if you will give them an opportunity to understand them, are the principles involved. I have the utmost respect for the intelligence of the American people, and if we will submit those principles to them in a clear way and let them discuss them until they have an opportunity to make up their minds what those principles are, then, and not until then, will they have had an opportunity to form an opinion. I say that it is an outrage upon decency that this thing is to be forced through before the American people have an opportunity to vote upon it.

I heard a great publicist, one of the great men of this country, say the other day that technically the Senate of the United States had every right to pass upon this treaty and technically the President had every right to negotiate this treaty, but that morally neither the President nor the Senate had the right to confirm and ratify and put this treaty upon the country until the people had had an opportunity to express themselves, for, said he, "It is a repudiation of our old traditions; it is a reversal of all those principles that the people have held dear; it is a denial of the things we have heretofore regarded as axiomatic." No man in public life was elected on this issue. The President was not elected upon it. The Members of the Senate were not elected upon it. No political party ever passed upon it. Now, the people of the United States have a moral right to a vote upon it, and that, sir, is what should be given them. That, sir, is what in the end they will have; but in the interval we will have entangled them in a web of European and Asiatic diplomacy and conspiracy from which extrication may be difficult.

So far as I am concerned, I intend to submit to this Senate and to the Congress a proposition to give the people of the United States a chance to cast an advisory vote upon this question, which, in very truth, undertakes to undermine the citadels of the temple of liberty that they have so long been building, and which seeks in a cowardly way to avoid the terms of the Constitution and to nullify its sacred precepts.

We heard a rumble yesterday at the elections. We on this side of the Chamber, gentlemen, may go off in a corner and hold a meeting with ourselves and resolve that the league of nations had nothing to do with it, but it is my opinion that it had much to do with it, and the only place where we saved our skins was where we rallied the cohorts of John Barleycorn and raised the glorious issue of "free booze" to a point where all other issues were obscured.

Mr. President, I think it was 53 days ago that Mr. Bullitt testified before the Foreign Relations Committee. I do not know much about Mr. Bullitt, but what I do know is of a favorable character. At least, it does not lie in the mouths of the proponents of this league to cast aspersions upon him or to question either his integrity or his intelligence, for he was selected by their side of this proposition to help write the league of nations for us and for the world. He is their agent. He was their selection. He bears the brand of their approval, and the certificate he had in his pocket was signed by them. Fifty-three days ago he testified before the Foreign Relations Committee, and this testimony, so far as I know, has never up to this date been denied by the parties concerned. When the representative of the press asked Mr. Lansing what he had to say in regard to Mr. Bullitt's testimony he said he was going fishing. Fifty-three days have gone by, and if to-day they were all to deny Bullitt's testimony, I would take Bullitt's statement, because they have allowed the 53 days to go by. When it takes a man 53 days to deny a proposition of this kind, that is too long a preparation for the presentation of the simple truth.

Let us see what was said by the Secretary of State. I will read now from the testimony given before the Foreign Relations Committee by Mr. Bullitt:

Mr. BULLITT. I do not think that Secretary Lansing is at all enthusiastic about the league of nations as it stands at present. I have a note of a conversation with him on the subject, which, if I may, I will just read, without going into the rest of that conversation, because it bears directly on the issue involved.

This was a conversation with the Secretary of State at 2.30 on May 19. The Secretary sent for me. It was a long conversation, and Mr. Lansing in the course of it said:

"Mr. Lansing then said that he personally would have strengthened greatly the judicial clauses of the league of nations covenant, making arbitration compulsory. He also said that he was absolutely opposed to the United States taking a mandate in either Armenia or Constantinople; that he thought that Constantinople should be placed under a local government, the chief members of which were appointed by an international committee."

This is a matter, it seems to me, of some importance in regard to the whole discussion, and therefore I feel at liberty to read it, as it is not a personal matter.

The CHAIRMAN. This is a note of the conversation made at the time? Mr. BULLITT. This is a note which I immediately dictated after the conversation. [Reading:]

"Mr. Lansing then said that he, too, considered many parts of the treaty thoroughly bad, particularly those dealing with Shantung and the league of nations. He said: 'I consider that the league of nations at present is entirely useless. The great powers have simply gone ahead and arranged the world to suit themselves. England and France, in particular, have gotten out of the treaty everything that they wanted, and the league of nations can do nothing to alter any of the unjust clauses of the treaty except by unanimous consent of the members of the league, and the great powers will never give their consent to changes in the interests of weaker peoples.'"

"We then talked about the possibility of ratification by the Senate. Mr. Lansing said: 'I believe that if the Senate could only understand what this treaty means, and if the American people could really understand it, it would unquestionably be defeated, but I wonder if they will ever understand what it lets them in for.' He expressed the opinion that Mr. Knox would probably really understand the treaty, and that

Mr. Lodge would; but that Mr. Lodge's position would become purely political, and therefore ineffective. He thought, however, that Mr. Knox might instruct America in the real meaning of it."

Mr. Knox has instructed America as to the meaning of it. But it takes many months for discussions of a legal character to be so conveyed to 110,000,000 people that they understand those principles and are able to make a practical application. Mr. Knox's instructions are that we ought to repudiate this entire document, make a peace, come home, and live as we have lived in the past, true to our traditions, true to our Constitution, and true to our flag. I think I epitomize the position of the Senator from Pennsylvania, who is present and who, I hope, will correct me if I have misstated him in any way.

Mr. President, a little earlier Mr. Bullitt said:

It is no secret that Mr. Lansing, Gen. Bliss, and Mr. Henry White objected very vigorously to numerous provisions of the treaty.

And those gentlemen have not come forward to deny that statement. So that you have nearly all the men there were over there representing America opposing, and saying, "This is not a proper treaty"; and without those things even being pointed out to the Foreign Relations Committee, and without the testimony of those gentlemen here, the demand is that we shall rush this document through, and back of the movement a propaganda financed as no propaganda was ever financed in the history of the world, systematically carried forward by paid agents planted in every State, and who have gone from State to State with the money of Mr. Taft's league in their pockets, every effort being made to deprive the people of an opportunity to know.

Among the things they do not know about, although a number of very clear and incisive speeches have been made on the floor of the Senate, is Part XIII, and Members of the Senate do not know about it. They retire to the cloakroom; they play the part of the snapping turtle, who, when disturbed, pulls in his head, pulls in his tail, shuts down his shell, and closes up. They are determined to vote for this league whether it is right or wrong. They are committed. Their massive minds are in a static condition and can not be moved. Argument does not appeal to them. "It is a Democratic measure," say some of them. "The President demands it," say others of them. Well, it is not a Democratic measure, for no Democratic convention ever passed on it. And if they are doing it simply because the President declares they should do it, without the exercise of their independent judgment, they ought to go and live in a country where one man does the thinking for all the people. They ought not to sit in a body under a Constitution that makes it their duty to exercise an independent judgment, and they ought not to hold up their hands and swear to God they will sustain and uphold that Constitution and then lay down their judgment and transform themselves into a mere servile brood fawning at the feet of Executive authority.

Mr. President, one further preliminary word, and then I want to pay some attention to Part XIII. A number of gentlemen are solacing their souls with the fact that they will not vote for amendments, but they are going to do the same sort of thing by voting for reservations. They state that no matter how good an amendment is it might be defeated, and it is defeated by the votes of men who say that every principle contained in the amendment is wise and just and proper and necessary, but they will not vote for it because it is an amendment. They will, however, save their consciences and anoint their tender sensibilities by a reservation.

Now, let us see what real sense there is in that position. If a reservation is the equivalent of an amendment in its effect, then the amendment must be the equivalent of the reservation in its effect, and two things that are the equivalents each of the other are exact equals; and if they do accomplish the same purpose and bring about the same end, then why is it that men will adopt one and refuse the other? I will tell you why. A reservation is the last resort of cowardice. It is the hole through which the little soul of a fellow who is not willing to stand up and front the people seeks to escape from responsibility. It is the crack in the fence through which a hound dog always seeks to escape. The mastiff turns at bay and fights, or else he takes the fence at a jump. He does not go cringing and crawling and whining; and some of them have their heads stuck in the crack now and do not know whether to back up or go ahead.

The VICE PRESIDENT. The Chair feels that he will have to call the Senator from Missouri to order.

Mr. REED. For what reason?

The VICE PRESIDENT. If that is not imputing to Senators conduct or motives unworthy or unbecoming, the Chair does not know what is.

Mr. REED. The Chair is putting a construction upon what I am saying that I do not intend to imply at all. I am simply

using figurative language in painting a situation, and not to attack any individual.

The VICE PRESIDENT. Well, the Chair thinks it is going too far.

Mr. REED. Of course, if the Chair thinks so I will use other language.

The VICE PRESIDENT. The Senator from Missouri objected the other day when another Senator used language which he characterized as unparliamentary.

Mr. REED. I will get another metaphor that is more pleasant. I have not the slightest desire to reflect upon individual Senators. I am discussing a situation that is presented here, and I think the voluntary calling to order by the Chair is very unkind.

The VICE PRESIDENT. The Chair does not mean to be unkind, but the Senator charged a body of Senators with being snapping turtles and dogs and things of that kind.

Mr. REED. No; I have not charged them with being dogs or snapping turtles. I used a comparison that came into my mind to express an idea, and not to describe them at all; and the text of my speech will so show, and it will be printed without any corrections.

When I say that men close their minds like snapping turtles I do not call them snapping turtles. If I said they acted like angels, I would not mean to say they were angels, for that would be equally far from the truth.

Mr. KING. Will it disturb the Senator if I ask a question at this point?

Mr. REED. Not if it has anything to do with what I have been saying.

Mr. KING. Indeed it has. The Senator has been criticizing some who have preferred reservations to amendments. So that I may make myself very clear I wish to call the Senator's attention to Part XIII, which we are now considering. The Senator from Wisconsin [Mr. LA FOLLETTE] has moved to strike that part from the treaty. I have had the honor to offer a reservation which states in substance that the United States declines to enter into that part of the treaty, to be bound by it, or to participate in it at all. It strikes me, and I am quite sure that it is the view of many Senators, that if other nations signatory to the treaty want Part XIII, that is their business. Let them have it. We therefore ought not textually to amend by striking out Part XIII. If we do not want to participate in it we can reach that point by reservation. Does not the Senator think that position is sound?

Mr. REED. No; I do not. I do think, though, that in the particular case which the Senator now states it can fairly be said that if he wants to allow Part XIII to become the rule among the nations of the earth, we alone being excepted, there is a difference between that and striking it out. However, if it were stricken out and the other nations wanted it, they could still get it.

The difficulty with the proposition is, I would say, by way of clearing this one matter up and then passing on, that if Part XIII is so iniquitous that we should not enter into it, we should not help to set it up by making it a part of the machinery of the league of nations. If it be socialism and anarchy here to us, we ought not to help set it up in other parts of the world.

Mr. MCCORMICK. Mr. President, will the Senator yield?

Mr. REED. Yes; though I do want to get through.

Mr. MCCORMICK. I only desire to ask the Senator if he believes we ought to take water and wash our hands of it? Would not that be enough?

Mr. REED. I do not think so. I never did think much of Pontius Pilate.

Mr. MCCORMICK. That is what I wanted to bring out.

Mr. REED. Who said, "Take ye Him and crucify Him." I do not think much of the statesmanship which says, "There is a thing that is utterly bad and must not be put upon our country, but we will help create an organization and we will confer upon that organization the power and the authority to bind all the other nations of the world."

Let us come back to the proposition of the distinction between reservations and amendments. The reservationist says his reservation accomplishes the same thing. Men have sat here and voted against the Shantung amendment, have voted against other amendments; but they have done it because they are going to put in a reservation. If the reservation accomplishes the same thing as an amendment, why not vote for the amendment? If the amendment is the same thing as a reservation, why not vote for the amendment?

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER (Mr. HARDING in the chair). Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. SMITH of Georgia. Take the reservation offered by the Senator from Utah [Mr. KING]. It does not accomplish the same thing, but it accomplishes everything, so far as our country is concerned, that we can ask for. It frees us from any responsibility or connection with Part XIII and simply says "the balance of you may make your own arrangements to suit yourselves; we are not running your end of it, but we will not be a party to it."

Mr. REED. I have already stated my proposition on that point, and, I think, correctly. I think the Senator is not at variance with me in regard to that particular provision. I stated then that if it is such an iniquitous thing that we will not adopt it ourselves, we ought not to help to set up international socialism elsewhere. If we do not want international socialism to thrust its ugly, scaly head into the public life of this country, we ought not to create the serpent to wind its coils around other countries. If we do not want it in our own country, we ought not to help create it or sanction it.

Mr. SMITH of Georgia. If we decline to connect the United States with it, if we distinctly state that we will not assume the responsibilities provided for or be a party to the provisions covered by Part XIII, how are we creating it? Are we not simply leaving it for other countries to determine whether it is a thing which will help them? Something might help them which would not help us.

Mr. REED. Ah, Mr. President, but the Senator of course does not—

Mr. SMITH of Georgia. I want to go one step further. Is it a responsibility that we ought to carry, so far as they are concerned?

Mr. REED. That just depends upon our viewpoint. If we are going to return to the old American doctrine of coming back home and attending to our own business and letting Europe alone, then we could well say, "We propose to have nothing to do with your arrangements regarding international socialism."

But that is not the position of the Senator, and that is not the position that we are taking in this league. We are setting up an instrumentality here to govern the world, and we are assuming the responsibility of interfering in the affairs of the world; but we come to one proposition so obnoxious that we can not swallow it, so we reserve the right to throw that out, though at the same time the organization we create is authorized to go straight on and, for the rest of the world, set up international socialism. Now, the Senator knows if that is being done by the league of nations internationally, it will eventually force its way into this country.

Mr. SMITH of Georgia. I wish to ask the Senator if it is not at least true that the reservation of the Senator from Utah takes us entirely out from it, frees us from contributing anything toward the expense, frees us from the responsibility of the distribution of any of their publications, and that even socialism might help in Russia if it is better than what they have?

Mr. REED. I think not.

Mr. SMITH of Georgia. Then let me ask the Senator a further question. If he is so opposed to our undertaking to dictate and interfere in European affairs, ought not he at least to be pleased with the action as to Part XIII where we, as a member of it, by reservation undertake to define its application to us?

Mr. REED. I would rather have the United States left out by a reservation than be put in. What I am complaining about is that Senators say, "This is international socialism; it is a wicked thing; it is a serpent that crushes liberty and destroys rights. Now, we will not permit it to come into our own country, but we will help set up an organization that proposes to sanction it by international law and by custom, and we will create it every other place." And if you do that, I warn you that it will twist itself about the columns of the temple of liberty in this country.

Instead of voting for that, why not vote to strike it out? What is the reason? Now, I come to the only reason that is ever offered or that I have ever heard offered for a reservation. They say if we amend the treaty, it has to go back to the peace conference and that all of the delegates have to be reassembled. The men who say that know it is not true. They know it is not true, because the peace conference is now in session and has never adjourned. It has been in session for many months. All they would have to do in the world would be to send back the treaty to that conference, now in session, and they know it. Yet from high places the people of the United States have been told that they would have to reassemble the peace conference.

But some of them say you have to call in Germany as part of these matters; that is, of course, incorrect, because Germany is not a party to the league of nations, and as to any amendment to the league of nations proper, as we talk of it, Germany does not have to be called in for she is not a party to it.

But suppose that Germany had to be called in, let us apply some common sense to the proposition. How long would it take to call Germany in and how long would Germany dare to hesitate to agree to any amendment that the rest of the nations had agreed to, particularly when that amendment does not substantially check her fortunes? In one moment we are told that Germany is so powerful and so potential that we dare not go back to her with a mere verbal change in an instrument that does not affect her fortunes, lest she rise up and refuse to any longer agree to this treaty. In the next breath we are told that Germany lies prostrate and will for the next half century. The fact is that Germany desires this peace more than anybody and Germany desires a league of nations more than any nation on earth.

Gentlemen have had the impudence in various parts of this country and the unkindness in this sacred Chamber to intimate that those who want to change the treaty or to reject the league of nations are pro-German. Yet, sir, they know that there is not a German statesman of any size in the world who has not advocated the league of nations. They have been advocating the league of nations and the 14 points ever since they surrendered. I can bring here to the Senate and read from their declarations by the hour to that effect. The German delegates to the peace conference and the German delegates to the international labor conference came with the same demand upon their lips. No man here will challenge that statement. If there is such a man, I would like to have him challenge it now.

Mr. President, what is the genesis of Part XIII? I assert that Part XIII of the treaty was born in the brain of the international socialist, anarchist, and Bolshevik; that it is the realization very largely of his dream that he has entertained for years. I wish, if my strength permits me, to bring that to the proof. I say that the convention now assembled in the city of Washington has in it as representatives the very men who have taught the infamous doctrine of the Bolshevik of Russia and the international anarchist who has made Europe an unsafe place.

There has been in existence for many years an international society. It has taught the doctrine as its fundamental that labor not only lies at the basis of all progress, but that the laboring man, being the basis of all progress, has a right to control the world. They have taught the doctrine that capital has controlled governments, and that it is the business of the men who work with their hands and their bodies to organize and control and take over the governments of the earth, and through international societies to create a condition whereby they can defy and disregard all the governments of the earth. That is their fundamental; that is their doctrine. They taught—and they taught it with tons of literature—that when war should be declared it was the business of the laboring men to refuse to fight each other in different countries; to go into a state of rebellion; that there was a brotherhood of men who happened to work with their hands, and that that holy brotherhood should control this entire world. If I had the time this afternoon, I could put in document after document and book after book in demonstration of what I have said.

The last of these international societies, save the one that I am going to call attention to, met in 1912, and went to the very limit in the declaration of these principles. When war was declared, to the astonishment and disgust of these reformers, the German socialist and the French socialist said, notwithstanding his international obligation, he would adhere to his own country. So they became powerless for the time being to carry out their scheme. Afterwards, however, the same crowd of men, speaking generally, met in Switzerland. You remember that to that Berne convention Arthur Henderson, member of the British Parliament, was a delegate. British firemen refused to fire the boilers of the ship that was going to carry him and his fellow delegates. Mr. Arthur Henderson is in Washington, or, at least, is a delegate accredited to the convention now sitting in Washington. The firemen's strike seems to be over so far as he is concerned.

Mr. KING. Possibly he came on an American ship.

Mr. REED. Possibly so. These conventions sowed the seed that resulted in breaking the Russian lines. The Russian soldiers were convinced that they had the right to refuse to obey the authorities over them. So they broke the Russian lines right in the very crisis of this war.

This same crowd of gentlemen introduced their seductive doctrine—seductive to the ignorant—into the Italian Army, which was one of the great forces that produced the Italian debacle. They introduced it into the English Army until it became a menace, and also into the French Army. They were working assiduously, night and day, to undermine the military forces of those countries; and if they had then succeeded Germany would have triumphed, and the so-called saving of the world for democracy would have ended in a bloody catastrophe.

Mr. President, these gentlemen got together at Berne, Switzerland. They met, I believe, on February 2, 1919. I hold in my hand a book entitled, "The Spirit of the International at Berne," by John de Kay, published for free distribution. Mr. John de Kay introduces himself by saying that he is an internationalist and a socialist. He attended this convention; and I am asking the attention of the Senators who are present to the fact that every principle laid down by that convention at Berne is found in Part XIII, recognized expressly and adopted, or, if not adopted, in substance pledged for the future.

First, let us look at the magnitude of this organization. It is declared on pages 6 and 7 that before the war they had a membership of "between ten and twelve million affiliated through their national sections." Mr. de Kay states:

It is now still possible to make such a computation for some countries. The British delegation represented four and a half million members; both French delegations represented 1,000,000 members; the Canadian delegation represented 500,000 members. \* \* \* The German delegations came in the name of all the social and labor votes of their country, numbering about 12,000,000 voters in the socialist majority and about 3,000,000 of the independent party. The Lettish, Estonian, and Georgian delegations represented a great part of their people. The Russian figures are completely unknown. They may be 1,000,000 or 10,000,000. \* \* \*

Instead, then, of speaking of 12,000,000 people, we may, without the least exaggeration, speak of more than 50,000,000 of men and women.

He states that—

The French and German delegates met, not as enemies and not as friends, but as fellow men who were common sufferers from a common source, and who recognized that this source was an international caste which throughout the world had maintained its international and identical interest, while it had found the realization of its temporary and material ends by exploiting the sentiments and nationalism of the masses who in all nations have a common interest, and are nationals in nothing except tradition, name, and prejudice.

As I pass on you will observe that the whole of the teaching of these gentlemen are that there shall be no nations; that we are to be drawn into one common world government, and that world government to be run by labor.

Now, I wish to say here that there does not stand upon this floor a man who has more consistently fought for the cause of union labor than myself. In so far as labor ever comes asking for things that it justly ought to have, I intend to support it; but when it is proposed that labor shall break down our Government or a part of it, when it is proposed that in the name of labor men shall assail the Constitution of the United States and shall set up a part of the people to rule over all of the people, at that point, as an American citizen, I protest.

I wish to continue presenting these views. Mr. de Kay constantly attacks every other class except the men who labor with their hands. He speaks sneeringly of "hard-working diplomats, lawyers, armament makers, and pirates of high finance." Then he makes this declaration:

These great bodies—

That is, the labor organizations—

should, without delay, create a world parliament—

A world parliament; get that—

a world parliament standing for the interests of the masses of labor in all lands and dedicated to a protection of the general social welfare without distinction as to race, nationality, or religion. Such a world parliament should meet three or four times each year in the capitals of various nations. It should be provided from the general funds with its own public buildings and expenses; it should elect its executive board of action and confide to such a board or cabinet the powers to carry out decisions, summon the parliament in the event of a crisis, and by the decisions of such a parliament the labor and socialism of the whole world should abide, and upon its mandates they should act.

And that, sir, is written in Part XIII; every principle embodied in the statement I have read is in Part XIII of the pending treaty.

There is no time to be lost in the creation of this unique and only body through which exploitation and wars may be abolished. \* \* \*

This is not the time to foster revengeful measures against one nation or another or to inflict arrogance upon vanquished men whose despair will lead to a form of social upheaval which will cross all national boundaries. This is to-day only an eventuality, but it may soon be a reality. \* \* \*

As one who has associated with the plutocrats and who knows their arrogance and blindness and how reluctant they are to believe in anything except the omnipotence of their own powers, I feel that they will only act in any new or reasonable way under pressure of the most direct and irresistible sort. \* \* \*

Gradually the feeling is gaining ground that the policy of negotiation is failing and concurrently with this sentiment the ideas of constitutional action are passing from the minds of men. This is an ominous sign which he who runs may read. It bears a sinister inscription which must not be ignored.

Let there be no mistake as to what these words mean. If there is to be "no more war," it means complete disarmament for every nation. And if "all is possible" is not to be translated into universal violence, it means that those who now rule mankind through industrialism and governments must by conciliation and negotiation enable the toilers throughout the world to realize without delay their natural and legitimate demands. These are set forth with great moderation in the resolutions and speeches here published.

They are in this book.

It will be well for the ones in whose hands the fate of mankind temporarily rests in Paris to take into full account the moderate demands of the patient men who were represented at Berne and who represent the class which is in the future to rule the world.

Who represent the class which is in the future to rule the world!

I commend these pages to the consideration of all who have any voice in the affairs of men, with the solemn warning that unless the message of the international at Berne is heeded without delay there will be no escape from violence and dictatorships; and, contrary to official calculations, the violence will precede the dictatorships.

This calamity should and may still be averted on the lines I have indicated. If these are ignored, any physical force which can be employed will be no more potent than a man raising his hand to stay a hurricane, which unfortunately goes its way and carries everything before it.

He has put in one paragraph the demands of the Berne people. Mr. President, what are some more of these demands?

The league of nations must further prevent all economic war by the establishment of free trade.

This is one of the resolutions adopted:

The functions of the league shall include the establishment, development, and enforcements of an international labor charter.

And the international labor charter is Part XIII, now submitted to us.

This is another of their resolutions:

The conference urges the socialists of the whole world to close their ranks and not to deliver the revolutionary peoples into the hands of international reaction.

He calls upon them to do their utmost to secure the triumph of social democracy. Then they present their demands to a labor charter. They say:

The limits which capitalism has reached are very different in the various countries. One of the dangers here involved is that industry and labor of the more progressive countries are injured by a system of swayed labor in the more backward countries. The need to establish an international standard of labor legislation—

That is what we are doing—establishing an international standard of labor legislation.

Now, listen to this: If I were to say to the people of America that it is coldly proposed by those who bring forward Part XIII that labor unions, getting together through their representatives, should pass labor resolutions regulating labor conditions throughout the world, and that that is to constitute international law, there would be some doubt about it; and yet that is the proposition, I shall demonstrate, of the Berne convention and the proposition of the men who drew Part XIII—that a labor resolution shall constitute international law and bind the world. I am coming to that in a minute.

The Berne conference having taken into consideration the resolutions adopted by the international trade-union conferences of Leeds and Berne, and without prejudice to any more far-reaching resolutions which may be adopted by trade-unions, demands that the following minimum requirements, which are already carried out in part in some countries, shall be converted into a code of international law by the league of nations on the conclusion of peace.

Then they have their eight-hour day, which they specify; forty-eight hours a week; time to begin work and time to close work; 36 hours from Saturday to Monday—less time where men are employed in dangerous trades—prohibition of the use of poisonous articles in work.

In all districts where there is home work, wage boards, representatives of employers and workers, shall be instituted, with the duty of fixing legal rates of wages. The rates of wages shall be posted up in the work places. Immigrant workers shall enjoy the same rights as the workers of the country into which they immigrate as regards joining and taking part in the work of trade-unions, including the right to strike. Any interference with the exercise of the right of combination and association should be punished.

Now, this is all to be international law.

Every foreign worker shall have a right to the wages and conditions of work agreed to between the trade-unions and the employers of his trade. Where no such agreements exist foreign workers shall have a right to the wages customary in the locality for their trade. \* \* \*

Immigration shall not be prohibited in a general way. The rule shall not affect—

(a) The right of any State to restrict immigration temporarily in a period of economic depression in order to protect the workers of that country as well as the foreign immigrant workers.

But outside of that they propose to say to the sovereign nations of the world that any man can go from any country to another country and live there; and why not? If all barriers are to be broken down; if, instead of nationalism, we are to have internationalism; if we are to pull down the American flag and run up an international rag; if we are to destroy our Government for the benefit of the socialists and anarchists of other countries, then why not the thing they demand here, namely, that all men can go from one part of the world to another and settle and do as they please?

Then they graciously concede the right to the State to prohibit immigration temporarily for the purpose of protecting health:

These exceptions can, however, only be admitted in agreement with the commission provided for in article 15.

That is to say, before a State can do these things, before it can introduce these exceptions, it must get the permission of a commission to be set up by the labor organizations of the world—not the labor, but the socialists—for I take this occasion to exculpate the great body of American union labor from the charge that they are international socialists, or that they are anything but good American citizens, and, although they have made many mistakes, and although they sometimes make mistakes in their officers, it is because at heart they are good American citizens that so many times outrages have been prevented by the men themselves.

They demand that the States shall contract to carry out these propositions, and add this:

Moreover, the contracting States shall convoke as speedily as possible an international conference charged to take effective measures against the reduction of value of wages and assure their payment in money which has not depreciated in value.

All workers shall be insured by the State against industrial accidents. \* \* \* A system of unemployment insurance shall be set up in every country.

Now, article 13:

A special international code of law for the protection of seamen shall be established. This code shall be drawn up with the collaboration of the seamen's unions.

International law is to be drawn in collaboration with a labor union—not with all the people who have to live under it; not with the great mass of humanity who are concerned, but with a few of them who are organized. That is all there is to Bolshevism. Bolshevism is the control of the entire people by a class of the people. They simply say that the man who labors and is organized shall run the Government and have everything, and that the men who are not so situated shall be controlled and governed by them. That is all there is to Russian Bolshevism, sovietism, or any of the other "isms," including anarchism.

I want to read, in connection with just what I did read, section 13 of these resolutions:

The enforcement of these provisions shall, in the first place, rest with the labor departments of each State and their industrial inspectors. The trade-unions shall assist in the effective enforcement of the labor laws. Employers who employ at least five workers of foreign tongues shall be required by law to post up in the mother tongue of such workers all labor regulations.

Now I read Part XV:

With a view to the carrying out of this treaty and the further promotion of international labor regulations, the contracting States shall appoint a permanent commission—

Now, get this—

consisting in equal parts of representatives of the States which are members of the league of nations and of the international trade-union federation. The commission shall prepare the ground for and convoke conferences of representatives of the contracting States, which shall be held every year to promote international labor legislation. One-half of the voting members of the conference shall consist of representatives of the organized workers of every country. The conferences shall have power to adopt binding resolutions within the scope of the powers conferred upon them.

And, as said elsewhere, they are to have the effect of international law.

Now, Mr. President, what did they do at the Paris peace conference? They proceeded to adopt Part XIII, and Part XIII does provide for this very conference to which I have referred. It provides for it in this way: It provides that there shall be four delegates from each of the member States. Two of these delegates are to represent the governments, the ordinary people; one of them is to represent the employer of labor; and one of them is to represent organized labor. The solitary distinction, you will observe, between the recommendation of the Berne convention and what was done is this, that the Berne convention demanded that 50 per cent of the representatives should be selected by labor. The authors of this labor provision gave them 25 per cent and gave the employer 25 per cent. But the principle is fully admitted. They did set up the tribunal. They did not give to labor exactly the votes that labor demanded.

But let us see how that happened, why it was accepted. I read from the June number of Current History:

Some difference of opinion made itself felt on the commission as to the relative numbers of the delegates representing the governments, the employers, and the workpeople, respectively. The French, American, Italian, and Cuban delegations contended that each of these three parties should have equal voting power. They maintained that the working classes would never be satisfied with a representation which left the Government and the employers combined in a majority of three to their one.

In other words, the proposal amounted to giving the States a veto on the proceedings of the conference, which would create so much distrust of it among the workers that its influence would be seriously prejudiced from the start.

The adoption of a proposal to which the majority of the Governments were opposed would not lead to any practical results, as the legislative authorities of the Governments whose delegates were in the minority would in all probability refuse to accept it.

This was the argument that prevailed.

Moreover, it was likely—especially in the future—that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Governments should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which, under the Franco-American proposal, would be practically impossible if the employers voted in a body against them.

The commission finally decided by a narrow majority to maintain the proposal that each Government should have two delegates.

In a word, Mr. President, abandoning reading, all the records show that after a considerable dispute there as to whether labor should have 50 per cent of the votes and the Governments 50 per cent of the votes, they reached this compromise, and labor accepted it; or the representatives, not of labor, but the international socialists accepted it, because the international socialists became convinced that they could control the Government vote. Of course, in that conclusion they were perfectly correct, for if you give to one class of the people the right to select 25 per cent of the voting strength in a body, and to do that directly, and then you give to that same class the right, as citizens of a State, to participate with all the other citizens of the State in selecting the representatives of the Government, it is almost inevitable that in the end they will control the selection of the Government delegates.

In a word, it is the principle of Bolshevism once more introduced. Here is a country with 110,000,000 people. I understand that about 4,000,000 are organized. That 4,000,000, or one twenty-fifth of the people of the United States, are given one-fourth of the representation directly in this great tribunal that is to write international law and control the destiny of the world. Then they have the right to throw their power into the general elections and into the selection of the Government, and to control, as far as they are able, the selection of the other two men who are to be sent there to represent all the people.

The man who belongs to one of these organizations first is given twenty-five times the power in the selection of this tribunal that the average man is, and all the rest of the people may not be organized, but are just simply ordinary people, and go along with no other representation than that which is accorded to the organized man as a citizen of the State, and then that organized man is given directly twenty-five times the representation outside. It is the introduction into our system of the proposition that a class shall rule, that the organized worker shall have a vote separate and distinct because he is an organized worker. That vote may be the controlling vote that governs the destiny of the United States or of the world.

To proceed with this a little further, Mr. President, I have read you that the Berne convention demanded the right for these bodies that were to be created, as they demanded they should be created, one half the representatives of labor and the other half the representatives of all the rest of the people, including labor, labor being thus twice represented; I have read you how that convention demanded that the decrees of this body should constitute international law. Let us see what was done about that by the men who prepared the peace treaty.

I read now from the July number of Current History, page 15. The writer discusses the representation of labor.

Demand of the German delegates.

I think it is worth while reading all this. It says:

The note of Count Brockdorff-Rantzau, of May 22, is as follows.

You will notice that this German followed exactly the recommendations of the Berne convention and spoke for Germany. Again I say, and I say it with a vehemence that I wish could reach every part of this country, that I want to hear no more of this talk that those who oppose this treaty are playing into the hands of Germany, when every German of prominence in the world has declared for it; when this German, from whose utterances I am about to read, representing Germany, stands as the special sponsor for Part XIII, only complaining that it does not go far enough. This is his note addressed to M. Clemenceau:

Sir: In the name of the German delegation I have the honor to acknowledge the receipt of your reply note, dated May 14, 1919, which has been given us on our note concerning international labor legislation.

The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions. The German delegation, however, does not agree with the allied and associated Governments as to the ways and means of arriving at the solution.

Let us go back and note something.

The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions.

That may be true elsewhere, but it is not true here. We may have some strikes and we may have some difficulties here. Strikes and difficulties and wrangles are sometimes not altogether unhealthy. I can say to the international socialists of other countries that the United States of America can take care of its labor problems, and will take care of them, and that we have no fear of the result. We can maintain peace in the United States and will. If the peace were seriously imperiled in our country, the very men who belong to these labor unions would flock to the standard of the Republic. There would be some foreign internationalists who would not. There would be some scoundrels here from abroad who would not. There would be some anarchists who would not. But when we get through with those gentlemen, if they start a sedition, there will not be any necessity to put any guards over them when they are shipped back to their own countries, if they are sent there for internment.

But I want to read this statement. I am cutting it up by my own comments, which I ought not to do. I shall ask permission to have the article printed in full at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

#### NOTE ON INTERNATIONAL LABOR.

The exchange of notes between the peace conference and the German delegation regarding international labor legislation, as made public, consisted of the English text of a note dated May 22, from Count Brockdorff-Rantzau to President Clemenceau, and the allied reply from President Clemenceau, dated May 31.

The note of Count Brockdorff-Rantzau of May 22 follows:

"Sir: In the name of the German delegation I have the honor to acknowledge the receipt of your reply note, dated May 14, 1919, which has been given us on our note concerning international labor legislation.

The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions. The German delegation, however, does not agree with the allied and associated Governments as to the ways and means of arriving at the solution.

In order to avoid misunderstandings and false impressions the German delegation deems it to be necessary to elucidate the fundamental conditions precedent underlying their note of May 10, 1919.

In the opinion of the German democratic Government the final decision in questions of labor law and labor protection belongs to the workers themselves. It was the intention of the German delegation to give occasion, even while the negotiations of peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the conditions of peace the proposal of the German democratic Government and the resolutions of the International Trade Union Conference held at Berne from February 5 to February 9, 1919. Contrary to this proposal the allied and associated Governments do not think it necessary to call a labor conference at Versailles for this purpose.

The International Labor Conference contemplated to be held at Washington, D. C., to which you refer in your reply note of May 14, 1919, can not replace the conference demanded by us, because it is to be held on the principles which are established by the draft of the treaty of peace for the organization of labor. The latter, however, disregards the demands raised by the International Trade Union Conference in Berne in two material directions. The first divergence is in respect to the representation of the workers. According to the proposal of the International Labor Conference at Berne one-half of the members of the conference entitled to vote must consist of legal representatives of the workers of each country who are organized in trade-unions. The German delegation has endorsed this proposal by transmitting the protocol of the International Trade Union Conference at Berne.

#### "REPRESENTATION OF LABOR.

"Contrary to this, the draft of the treaty of peace grants to the workers only one-quarter of the total votes at the international conference, for according to the draft of the allied and associated Governments each country is to be represented by two Government delegates, one employer and only one worker. The Governments are even in a position, according to article 330 of the draft of the treaty of peace, to exclude the workers' vote by nominating an employer, and thus giving to Government bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which to the present day have been upheld and fought for in common by the whole international work people, and will deepen the impression held among the workers that they are, as before, furthermore to be the object of legislation governed by the interest of private capital.

"The second divergence refers to the legally binding force of the resolutions of the conference. According to the resolutions of the International Trade Union Conference at Berne, the International Parliament of Labor is to issue not only international conventions, without legally binding force, but also international laws which, from the moment of their adoption, are to have the same effect (legally binding force) as national laws (proclamations to the workers of all countries, adopted by the International Trade Union Conference at Berne, 1919, at the motion of Jousaux, the delegate from France). The draft of the German democratic government endorses this resolution, and makes the passing of such laws depend on the assent of four-fifths of the nations represented. No such resolution can be passed by a conference which is called on the basis of part 13 of the draft of the treaty, but only recommendations or drafts which the Governments concerned may adopt or repudiate, and for such nonobligatory proposals a majority of two-thirds of the votes cast is even required.

## "ESSENTIAL TO SOCIAL PEACE."

"In so providing the draft of the conditions of peace deviates to such an extent from the resolutions of the International Trade Union Conference at Berne, that a discussion and decision by the organizations of labor, as part of the peace negotiations, is absolutely imperative. This would at the same time be in accordance with the demand raised by the International Trade Union Conference at Berne, that the minimum claims of labor agreed upon be, already at the conclusion of peace, turned into international law by the society of nations. Moreover, a firm foundation for the peace of the world shall be erected by this means, whereas a treaty concluded by the governments alone, without the assent of the organized workers of all countries will never bring forth social peace to the world.

"The allied and associated governments give no place to these considerations in their reply. As have above been illustrated, the resolutions of the International Trade Union Conference at Berne are in fact not taken into consideration by part 13 of the draft of the treaty of peace, so that the fears expressed by the German Democratic Government with regard to social justice are in reality not taken into account. This fact must be noted. If we are apprised by the reply note that the representatives of the trade-unions of the countries represented by the allied and associated governments have taken part in the elaboration of the clauses of the conditions of peace relating to labor, we must, on the other hand, make note of the fact that they have made no announcement of any kind notifying a change of their view on the resolutions of the International Trade Union Conference at Berne, much less of an abandonment of these resolutions which they sacredly have adopted.

"The German delegation again moves to call a conference of representatives of the national organizations of all trade-unions before the negotiations of peace are terminated. Should this motion again be rejected, an utterance of the leaders of the trade-unions of all countries is at least necessary. In moving this we desire to bring about that the provisions of the treaty of peace relating to labor may also have the approval of all trade-union organizations.

"Accept, sir, etc."

## TEXT OF ALLIED REPLY.

The following is the allied reply, dated May 31, signed by President Clemenceau, to the Brockdorff-Rantzau note of May 22 regarding international labor legislation:

"The president of the peace conference to Count Brockdorff-Rantzau. PARIS, May 31, 1919.

"SIR: In the name of the allied and associated governments I have the honor to acknowledge the receipt of your further note dated May 22, 1919, on the subject of international labor legislation. (Conditions of Peace, pt. 13.) The reply is as follows:

"1. The German delegation states the principle for the German National Government, that to the wage earners belongs the final decision in questions of labor law. The allied institutions hold it to be their duty to collaborate with labor in the formulation of such law, but the laws must be passed by representatives of the whole community.

"2. The allied and associated governments draw attention to a misconception in the note to the German Government on May 22, 1919, namely, that the views and interests of Governments must necessarily be antagonistic to those of labor. Accredited labor representatives now form some part of the genuine democratic governments of the world, and the assumed antagonism is not likely to be found anywhere save in the case of governments which are democratic only in name.

"3. The allied and associated Governments fail to find in your letter any useful guidance as to how the principles involved could in any case find definite expression in the peace treaty. The labor organization, which was submitted to representatives of labor, can deal in a practical manner in any proposal put forward by any one of the affiliated members. It is not correct to say that the demands raised by the International Trade Union Congress at Berne are disregarded, inasmuch as the points raised in these resolutions, as well as all other relevant considerations, were discussed and carefully considered, and for the most part are embodied in the preamble of part 13 or in the general principles which are accepted to guide the league of nations and the labor organization in the attainment of social justice. There is manifestly no need for another conference to repeat those resolutions or to cause unnecessary confusion or delay by adding to or departing from them. The widest publicity has been given to the plan of labor organization and the responsible trades-union leaders have been given an ample opportunity to formulate definite suggestions.

"4. The allied and associated Governments have already decided to accept the idea of early admission of German representatives and to ask the Washington conference to admit them immediately thereafter to full membership and rights in respect to the industrial labor organization and the government body attached thereto.

"5. While the resolutions passed by the Berne conference, February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The labor commission, moreover, set up by the peace conference envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of seamen, to be especially drawn up with the collaboration of the seamen's union (copy annexed).

"6. It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions as provided for under the peace treaty are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

## "MORE LIBERAL REPRESENTATION."

"7. In reply to the statement as to the divergence from democratic principles, the proposal of the allied and associated Governments, already pointed out, goes further than that of the German proposition, for three-quarters of the delegates at the labor conference will directly and indirectly represent the wishes of the population generally, the two governmental delegates representing the people at large and the labor delegates representing the workers directly, the employers

of labor being granted a representation of only one-quarter. The theory of the German delegation that article 390 of the draft may 'exclude the workers' is wholly fallacious, as the so-called governmental representatives, at least those of the allied and associated powers, would be representatives of the people of those countries. It is to be remembered that in many countries a very large part of the workers are engaged in agriculture and that these workers are not generally united in industrial organizations, and it is therefore peculiarly apparent that their interests should be represented in labor conferences through the governments.

"8. Furthermore, the proposal of the German delegation would permit the prevention of the most beneficent legislation if it was opposed by one-fifth of the Governments represented at the labor conference. It is of particular importance to notice that according to the proposal of the German delegation each country in such a conference would have one vote, and thus the votes of Governments representing perhaps only an insignificant minority of the workers of the world would be able to defeat any proposal whatsoever. In striking contrast with this autocratic idea is the proposal of the allied and associated powers, which not only permits voting in conferences to be by delegates and not by Governments, but also permits a definite proposal to be made by two-thirds of the delegates.

## "NEW CONFERENCE UNNECESSARY."

"9. At the present time active preparations are being made for the first meeting of the international labor organization in October. It is obvious, therefore, that no need exists for interposing a labor conference at Versailles. Moreover, the suggestion of the German delegation that the peace negotiations should be delayed in order to permit of another labor conference is contrary to the interests of the workers throughout the world, who are more interested than anyone else in a return to peace as a relief from the conditions produced by four years of German aggression. The allied and associated Governments, taking account of this most just desire, are endeavoring not to postpone but, on the contrary, to hasten the conclusion of peace and to secure the adoption of those measures of social amelioration which would doubtless have been adopted ere this had it not been that the commencement of the war by Germany turned the efforts and thought of the world's population toward a struggle for liberty, during which time other ideals were necessarily subordinated to that of freedom itself.

## "CLEMENCEAU."

"Annex 1. The commission considers that the very special questions to be accorded to seamen might be dealt with at a special meeting of the International Labor Conference devoted exclusively to the affairs of seamen.

"Annex 2. The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the International Labor Conference, under the auspices of the league of nations, with power to take, under conditions to be determined, resolutions possessing the force of international law."

Mr. REED. I read from the article:

In order to avoid misunderstandings and false impressions the German delegation deems it to be necessary to elucidate the fundamental conditions precedent underlying their note of May 10, 1919.

In the opinion of the German democratic government the final decision in questions of labor law and labor protection belongs to the workers themselves.

That is a new principle. That is internationalism. That is Bolshevism, that a class of the people are to decide all questions of law concerning themselves for themselves, make their own laws, and enforce them to suit themselves. It continues:

It was the intention of the German delegation to give occasion, even while the negotiations of peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the conditions of peace, the proposal of the German democratic government, and the resolutions of the International Trade Union Conference held at Berne from February 5 to February 9, 1919.

I told you this was submitted. I said to you that Part XIII was modeled after the Berne convention. We notice the Germans protesting that it has not been sufficiently modeled. It is said:

Contrary to this proposal, the allied and associated Governments do not think it necessary to call a labor conference at Versailles for this purpose.

The International Labor Conference, contemplated to be held at Washington, D. C., to which you refer in your reply note of May 14, 1919, can not replace the conference demanded by us, because it is to be held on the principles which are established by the draft of the treaty of peace for the organization of labor.

The body referred to is that now meeting here in Washington, and is sitting here by authority of this treaty which the United States has not sanctioned or ratified.

The latter, however, disregards the demands raised by the International Trade Union Conference in Berne in two material directions. The first divergence is in respect to the representation of the workers. According to the proposal of the International Labor Conference at Berne, one-half of the members of the conference entitled to vote must consist of legal representatives of the workers of each country who are organized in trade-unions. The German delegation has indorsed this proposal by transmitting the protocol of the International Trade Union Conference at Berne.

As I said, they did not get all they wanted. They got half of what they wanted.

Contrary to this, the draft of the treaty of peace grants to the workers only one-quarter of the total votes at the international conference, for, according to the draft of the allied and associated Governments, each country is to be represented by two Government delegates, one employer, and only one worker. The Governments are even in a position, according to article 390 of the draft of the treaty of peace, to exclude the workers' vote by nominating an employer, and thus giving to Government bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which to the present day have been upheld and fought for in common by the whole international workpeople, and will deepen the

impression held among the workers that they are, as before, furthermore to be the object of legislation governed by the interest of private capital.

So they objected because they only got one vote out of four instead of getting two votes out of four, and that is the point of diversion. The only thing that attention was called to by this German, where they departed from the Berne convention of socialists and anarchists, was this:

The second divergence refers to the legally binding force of the resolutions of the conference. According to the resolutions of the International Trade Union Conference at Berne the international parliament of labor is to issue not only international conventions without legally binding force, but also international laws which, from the moment of their adoption, are to have the same effect—legally binding force—as national laws—proclamations to the workers of all countries, adopted by the International Trade Union Conference at Berne, 1919, at the motion of Jousaux, the delegate from France.

I think that same man is down here now; I am not certain.

The draft of the German democratic government indorses this resolution.

Now, observe the demand that the proceedings of one of these bodies, like the one that is now assembled here in Washington, shall have the force of international law—not be merely advisory, but shall have the force of international law and shall bind every government on earth. Then observe this, that when Mr. Clemenceau replied in his note he stated:

1. The German delegation states the principle for the German National Government that to the wage earners belongs the final decision in questions of labor law. The allied institutions hold it to be their duty to collaborate with labor in the formulation of such law. But the laws must be passed by representatives of the whole community.

Hold that in your mind a moment, for that is not all of it. I read from paragraph 5. Mr. Clemenceau continues:

5. While the resolutions passed by the Berne conference February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The labor commission, moreover, set up by the peace conference envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of the seamen, to be especially drawn up with the collaboration of the seamen's union.

Now note this:

It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law.

The very gentlemen who prepared Part XIII wrote back to the Germans and told them that they can not give these labor bodies the power to write international law to-day, but that they favor it and they are going to get it for them.

It adopted a resolution—

I am reading from Clemenceau's letter, and, by the way, Mr. Clemenceau is a socialist, whether he is a hero or not.

It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions, as provided for under the peace treaty, are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

9. At the present time active preparations are being made for the first meeting of the international labor organization in October.

Then Mr. Clemenceau, in relation to the demands for international power to be referred to bodies like they have meeting in Washington, making their decrees international law, states this in Annex 2:

The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the International Labor Conference under the auspices of the league of nations with power to take, under conditions to be determined, resolutions possessing the force of international law.

So that the bald proposition is that a body of men, assembled and constituted as this body of men now meeting, shall have the right, as soon as it can be brought about by the confirmation of Part XIII, to pass their decrees relating to labor in any country and in any clime, and that those decrees when passed shall immediately and without delay become international law, with the same force as national law, governing this world and all of the nations thereof. And you propose to put in a reservation about a thing of that kind! You propose to help set it up in other countries, but to say we will not be bound to participate.

That is the doctrine of the reservationist, but the doctrine of the Democrat or Republican who votes for it is that he is willing to set up a tribunal with those powers, that tribunal not to be selected even by the nations of the world, but to be selected in part by some capital and in part by some labor, and

then all of the people, including those two classes, are to have 50 per cent representation; that body, when it meets down here, to represent the entire world, and its decrees to become international law. That, sir, is not socialism; that, sir, is not anarchy. It is something worse than both. It proposes to destroy nationality. It proposes to destroy government. It proposes to set up a government selected, not by the people of the world, but selected by classes of people of the world. And you propose to establish that in this country. At the risk of being called to order again, I say it is a betrayal of the United States; I say it is a betrayal of our duty as Senators; and I say it is wrong to save one's conscience with the fact that while we wash our hands and say that we will not be a party to it, yet we sanction the setting up of a tribunal by the signing of the treaty that creates this for all of the rest of the world. In my opinion, that is not the part of brave men or of statesmen.

In this connection I call attention to the fact that this is not being done for the benefit of American labor, and I shall a little later try to call the attention of American labor to the fact that this is a move as severe against them as it is against all other parts of the people.

Here is what Mr. Gompers said, and I am reading now from the proceedings of the Atlantic City convention held on June 20. Mr. Gompers made some remarks there, and among other things he said:

Let me say this to you, ladies and gentlemen: It wasn't for the promotion of the interests of American workers that this draft convention received my support. I declared in the commission time and again that, so far as we in the United States were concerned, we could and would take care of ourselves, and I would prefer, with the old text, before the protocol and many other changes were adopted, to take my chances in labor legislation by the activities of the American Federation of Labor, rather than by that draft convention. But I see in this draft convention for labor, not that it will bring very much of light into the lives of American workers, but I do believe that its adoption and operation will have the effect of bringing light into the lives of the workers in the more backward countries.

What concerned me most was that there should not be in the draft convention anything by which the standards of American labor could be reduced, and that the seamen's act should be protected by that protocol to article 19 of the draft convention.

So he was satisfied when he got in the clause that said there should be no legislation that would take away any of the rights labor now has. Of course, that did not accomplish anything; it does not cover the case. But I have this to say to American labor—and, I repeat, I have always occupied a friendly attitude toward it—that when American labor comes to understand the truth it will know that if ever Part XIII is put into effect and becomes a practical working thing, every single principle which American labor has contended for in order to maintain its supremacy and its advantage will be wiped out.

What are those principles? One of those principles is that American laborers should be protected against great influxes of bodies of foreign workmen to take their places. This document deprives the Government of the United States of the right to exclude foreigners from our shores except for limited periods and under peculiar conditions; and we must submit those conditions to the labor conference. Ratify this treaty, and I say to the American laboring man that there can be gathered together all the hordes of Europe and they can be brought over here to take the places of American workers; and they will come and they will take their places.

Then it is made the solemn duty of the lawmaking authorities to see that when they do come they get as good wages, if they demand them, as have been fixed by labor unions. But suppose they do not demand them; suppose they want the labor-union man's place. They can get as much as he can get by the demand, but they can cut his wages and they can take his job; they can leave him to starve; they can come here by the millions; and our Government under this instrument is to be powerless as against the demands of the Berne convention to protect its own shores, a right accorded to it by international law. That is the scheme; that is the plan.

A very great part of American labor has for many years contended that it must be protected against the goods manufactured in other countries by cheap pauper labor. So it has demanded a discriminatory tariff. Many men have contended that that was not necessary, because of natural conditions; but to all those men who adhere to that philosophy I say that the principles of the Berne convention, now about to be enacted into a treaty which binds the world, cover all that and wipe that all out and put the labor of every other country upon an exact equality with American labor.

Let us see what we are doing. What are the real things that kept up the high standard of American labor? Many factors, of course, are involved. One of them is the intelligence of the American workingman; but the chief reason, in my opinion, at

least, is found in the fact that there are in this country immense material advantages which the Old World does not possess.

Here are our undeveloped resources; here is a constantly expanding world. Commerce is growing; buildings are being erected; cities are growing up in a night. The wilderness is being conquered; swamps are being reclaimed; there is a constant demand for labor. Because of that demand the American workman has always had a position of superior advantage, but if this scheme goes through the labor of the world is to be reduced to a dead level. That is the principle. They may tell American labor that they propose to raise the wages of all the other workers of the world up to the American level, but even if that were possible we should still be on the same level; and when you are on the same level with another man you have no advantage.

But the fact is that that dream can not be realized; the fact is that the man who tries to put the American workman upon the same level as the serf of Russia, the peon of Mexico, the Chinese coolie, or the Jap is helping to murder American labor; whether it is done under the sanction of the league of nations or however done, it destroys the supremacy of the American laborer and takes away his advantage. We are asked to sacrifice him upon the altar of international socialism, not for his benefit, Mr. Gompers tells us, but for the benefit of somebody thousands and thousands of miles away. Why should he be placed upon that altar? Why should he be so immolated and sacrificed? If, unfortunately, a race of men somewhere else have submitted through the long ages to conditions of climate and soil and government and to economic conditions under which they have seen fit to live, why should the American laborer, whose ancestors or who himself sought our shores to better his condition, who is the beneficiary of a long line of ancestors who have slowly climbed the ladder of success—why should that man sacrifice himself for the benefit of the Chinaman or the Jap or the man of India or the man of Siam or the inhabitants of other even less favored parts of the world? Why should the American laboring men who bared their bosoms to the blasts of this war as bravely and patriotically as any other class of people, who stood in the trenches as inflexibly, who endured the toils of the march and the horror of the hospital with the same courage as the rest of those who fought to preserve our flag, be now sacrificed for the benefit of men thousands of miles away, men who from environment and training can live on one-quarter or one-tenth of what the American laborer can live upon, men who have no ambition in life and who are satisfied to tread in the mills of the centuries and to become mere automatons, working and toiling in their own dull way with their own dull brains and their own dull hands from the cradle to the grave? Why should American labor be thus sacrificed? I say to you, sir, it will not submit to being so sacrificed. The American laborer is not an international socialist yet. There is more of international socialism about to be recognized here in Washington than exists in the other parts of our country.

Mr. President, there is one phase of this treaty to which I wish to invite particular attention. I shall not go over the plan of organization of the labor government of the world which is to be set up further than to refer in the briefest way to the outlines of the structure, and then I wish to call attention to one or two monstrous provisions.

There is to be a general conference created, composed of four representatives from each of the members of the league. That will give a body of 128 men, 64 of whom are to represent the Governments, 32 to represent the employers of labor, whoever they may be, and 32 to represent union or organized labor. Each of them is to be entitled in a meeting to have two advisers on each item of the agenda or program to be considered at that meeting. If there were 20 items of the agenda, each man could have 40 advisers. So we might well have a body of 7,000 or 8,000 men assembled at any time, and thus all the walking delegates of the country could have their way paid by the Government. Out of this body thus constituted there is created what is known as the governing body, composed of 24 men, 12 of them representing States, 6 of them representing the employers of labor, and 6 of them representing organized labor.

It will be observed, in the first place, that there are 32 States represented at the present time in the league of nations, and if there are only 12 representatives of government upon the governing body, then there must be 20 of these States without any representation at all. While there are 20 States left without representation, the labor organizations of the world might or they might not be represented.

The bodies thus constituted have the authority to submit to the various Governments of the world drafts of international conventions. They are to prepare the conventions or treaties for the sovereign Governments of the world, and, when so pre-

pared, it is made the legal duty of the Governments to submit those conventions or treaties within 12 months, and at the longest 18 months, to their appropriate bodies for ratification.

Mr. President, it is true that the Governments are not forced to enter into these treaties, and if they do not enter into them, they are not bound; but, sir, that is no answer to be made. If we are engaged in setting up this tribunal, we must be setting it up for a purpose. That purpose must be to carry out the scheme and plan. We help to create a scheme and plan. It must be our purpose to do one of two things—to comply with that scheme and plan in good faith and help carry it out, or else it is our purpose to deceive the world and our associates when we enter into it, because we enter into it without the intention honestly to carry it out.

I can not attribute that base motive or purpose to the United States. Therefore, I say that if we enter this tribunal of the league of nations, with the tribunal that is proposed in Part XIII, we are in good faith bound to accept the recommendations that are made. Any other argument is the argument that we are not acting in good faith. Any other claim is the claim that we are setting up something here as a fraud upon the world.

Moreover, if we do not carry out these recommendations, we give to ourselves the lie direct, for we have recited in the league of nations covenant itself that it is necessary to carry out these conditions in order to maintain the peace of the world, and we have solemnly asseverated that we propose in good faith to promote that peace, and we have recited in the preamble to article 13 this:

Whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required, as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of children, young persons, and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education, and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The high contracting parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

So we affirm that you can not have peace in the world unless these things are done. We affirm that unless Part XIII is accepted and its terms carried out the peace of the world can not be maintained. In the treaty itself, in article 23, is laid down the same proposition, and I am going, with the permission of the Senate, to print that as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

#### ARTICLE 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league:

(a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations.

Mr. REED. So, now, if we are in good faith, we become bound to go into this scheme and to help carry it out. Therefore, when the draft convention is submitted, it is our duty in order to preserve the peace of the world, in order to make the league of nations a success, in order to realize this dream of a universal peace and equity, that we shall accept that draft convention; and when it is accepted, what is the result? A result so appalling, so unbelievable, that no man in this Chamber would have deemed it possible if it were not here written in cold type.

It is provided, sir, that once we have accepted this condition, any State—aye, any labor organization—can file a complaint with the governing body of 24 men, charging that the United States has not fulfilled its obligations under that convention. That is to say, the charge can be made that the United States has not enforced the eight-hour law in Georgia, sir; that a negro has been caught picking cotton after 5 o'clock in the evening, or that a white man has been caught working over hours, and contrary to the rules of the union.

Thereupon this body of 24 men, 6 of them representing union labor, 6 of them representing employers, 12 of them representing the people of the world, including the laborer and employer, shall determine whether they will put the Government to trial; and let us say it is the United States, and that the high crime and misdemeanor of which we have been guilty is that we have not enforced the eight-hour law, or that we have not

provided employment, or that we have not passed an old-age pension law, or done something else that these 24 autocrats of the world have told us we ought to do, and that we have been foolish enough to agree to do. Now, we are brought to trial, sir; and I ask the privilege of printing along with my remarks, without reading it here, the language of the document.

The PRESIDING OFFICER (Mr. THOMAS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

#### ARTICLE 409.

In the event of any representation being made to the international labour office by an industrial association of employers or of workers that any of the members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the governing body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

#### ARTICLE 410.

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the governing body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

#### ARTICLE 411.

Any of the members shall have the right to file a complaint with the international labour office if it is not satisfied that any other member is securing the effective observance of any convention which both have ratified in accordance with the foregoing articles.

The governing body may, if it thinks fit, before referring such a complaint to a commission of enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in article 409.

If the governing body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the governing body considers to be satisfactory, the governing body may apply for the appointment of a commission of enquiry to consider the complaint and to report thereon.

The governing body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the conference.

When any matter arising out of articles 410 or 411 is being considered by the governing body of the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the governing body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

#### ARTICLE 412.

The commission of enquiry shall be constituted in accordance with the following provisions:

Each of the members agrees to nominate within six months of the date on which the present treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the commission of enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the governing body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present article.

Upon the application of the governing body, the secretary-general of the league of nations shall nominate three persons, one from each section of this panel, to constitute the commission of enquiry, and shall designate one of them as the president of the commission. None of these three persons shall be a person nominated to the panel by any member directly concerned in the complaint.

#### ARTICLE 413.

The members agree that, in the event of the reference of a complaint to a commission of enquiry under article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the commission all the information in their possession which bears upon the subject matter of the complaint.

#### ARTICLE 414.

When the commission of enquiry has fully considered the complaint it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

#### ARTICLE 415.

The secretary-general of the league of nations shall communicate the report of the commission of enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the secretary-general of the league of nations whether or not it accepts the recommendations contained in the report of the commission; and if not, whether it proposes to refer the complaint to the permanent court of international justice of the league of nations.

#### ARTICLE 416.

In the event of any member failing to take the action required by article 405, with regard to a recommendation or draft convention, any other member shall be entitled to refer the matter to the permanent court of international justice.

#### ARTICLE 417.

The decision of the permanent court of international justice in regard to a complaint or matter which has been referred to it in pursuance of article 415 or article 416 shall be final.

#### ARTICLE 418.

The permanent court of international justice may affirm, vary, or reverse any of the findings or recommendations of the commission of enquiry, if any, and shall in its decision indicate the measures, if any,

of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

#### ARTICLE 419.

In the event of any member failing to carry out within the time specified the recommendations, if any, contained in the report of the commission of enquiry, or in the decision of the permanent court of international justice, as the case may be, any other member may take against that member the measures of an economic character indicated in the report of the commission or in the decision of the court as appropriate to the case.

#### ARTICLE 420.

The defaulting Government may at any time inform the governing body that it has taken the steps necessary to comply with the recommendations of the commission of enquiry or with those in the decision of the permanent court of international justice, as the case may be, and may request it to apply to the secretary-general of the league to constitute a commission of enquiry to verify its contention. In this case the provisions of articles 412, 413, 414, 415, 417, and 418 shall apply, and if the report of the commission of enquiry or the decision of the permanent court of international justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

Mr. REED. How do they proceed? They pick a jury panel of three men from each of the States members of this league. There are 32 members now. That would mean 96 men on the panel. I can picture this panel now. I can see the three colored gentlemen from Liberia, the three from Haiti, coming, wondering whether they have to take their winter clothes along with them. I can see three gentlemen from the deserts of Arabia. They have just laid aside their old-fashioned flint-lock rifles, with which they have been holding up the pious pilgrims to the shrine of Mahomet, and are undertaking to garb themselves in the accoutrements of civilization, providing themselves with concealed instead of obvious weapons. As the Senator from Oklahoma [Mr. GORE] tells me, the King of Hejaz has a subsidy of three-quarters of a million dollars a year from Great Britain, or three-quarters of a million a year during the war. Very well. He is cheap at the price, because he will vote right. I can see them from India, the snake charmer, and the voodooist from Siam, and as you search their baggage you will find the dried-snake fetish that the jurors probably worship. I can behold them picked from every quarter of the world, and I have not time to describe the motley crew; but if they were assembled there probably would not be anybody there, outside of a few educated Englishmen and Frenchmen and Italians, who could understand what anybody else said.

Out of this body of 96 men—Hottentots and buccaneers and pirates and princes—they proceed to draw a jury of 3 men. One of them is to represent labor—not just to represent other folks, but organized labor, a class—one of them is to represent employers, and one to represent governments, I believe—three men, not one to represent the United States, because we are a party in interest and have no representation.

Here stands Uncle Sam, prisoner at the bar, charged with having violated the eight-hour law in Georgia on a farm. They try him like a common criminal, and they find him guilty, and they proceed to fix the punishment, and there is no limit to the punishment. There is no law; there is no constitution; there is nothing except their gracious charity and pity; and they condemn old Uncle Sam, and I can see his majestic figure, his head somewhat bowed in shame, his eyes envisioning the day when he was a sovereign looking the world in the face, when his spirit was that of the eagle, and his soul the soul of liberty. They lead him out, and then, by three men, not an American there, try a sovereign nation before private individuals—that is all it amounts to; before a trio of foreign internationalists—that is all it amounts to; before international socialists—that is all it amounts to; before anarchists who would destroy the structure of civilization and tear down the temple of liberty to-morrow—that is what it amounts to.

Oh, but it is said you can appeal to a court! Yes; some kind of a court yet to be created, the composition of which we do not know. But again the court renders its decree. That decree is binding. There is no appeal. It is not a question of whether we think it just or unjust. There is only the question of obedience.

A decree is rendered by this court, and if we do not obey they have the right to call upon the league of nations to apply such economic pressure as they recommend. What, sir, is economic pressure? The most brutal instrumentality in the civilized world, after all, has been the boycott. We all know where the word came from. It was coined over in Ireland, where the inhabitants refused to speak to or look at the foreign landlord, refused to trade with him, refused to sell him anything. They did that justifiably, for an oppressor was in their land; but it was a terrible weapon. In our civil life it has been a weapon that has resulted in the destruction many times of men's fortunes. But applied internationally we are told what it is in the league of nations. It is the right to command

that other nations shall cease to have any intercourse whatever with a nation that is thus boycotted. Its commerce is to be refused, its nationals are to be denied the right to communicate with the nationals of other countries. All financial transactions must cease. Ships shall no longer ply the ocean and carry freight to its ports. It is to be sealed up as in a tomb. It is to suffer a living death. It is to have starvation finally fastened upon it by the most terrible instrument of the fiends of war. It is the thing that is applied by military commanders in time of war as the means by which they can break the morale of the line by starvation in the rear which they can not destroy by attacking in the front. It is a glorious and humane proposition, that proposes to substitute for the death of brave men upon the battle field the starvation of women and of babes at home. This may be visited upon us by the mandate of three foreigners, not one of whom can speak our tongue, and these men not representatives even of Governments but representatives, in part at least, of classes of people.

This monstrous creation, sir, you propose to set up, and to give it sanctity, and all you are going to do is to say, like Pilate, "I wash my hands. Take ye Him and crucify Him," instead of striking it down with the force of a giant's blow, instead of saying to all the world, "America stands acquit; America turns her back against every proposition to break down the structure of society, or to set up Bolshevism or sovietism or anarchism anywhere in the world."

Sir, this is to be accepted undebated, undigested, not understood by the people of our country. Let me tell you what I think of it in a few short sentences. The thing that has made the American race progress has been the equal opportunity of its people before the law. Every other nation that has risen and that has fallen, or that even yet survives, in all the tides of time, has been great just in proportion as it has afforded opportunity to the masses of its people, a chance in life. That chance in life can only exist where it is an equal chance. You can not have a government of an autocracy of wealth unless you retard the growth and development of an entire people. You can not have a government of an autocracy of labor without at the same time retarding the growth and development of the entire country. This is proven to-day in Russia. The salvation of the laboring man consists in his equal opportunity to run the race of life. The thing that makes life sweet and glorious to him is the fact that all men have an equal chance, for he may labor with his hands and he may be an employer tomorrow; he may be a capitalist the day after. When you destroy the chance and opportunity of that man to advance himself, you destroy his opportunity in life.

There is no terror so great in my heart to-day as that something may be done to destroy that equality before the law. Here we are proposing in the United States Senate and in the councils of the world to give to a class of people who happen to be organized together in societies and associations the right to special representation in the government of the world separate and distinct from the government the other people enjoy. We propose here to set up, then, a government by a part of the people, an autocracy of organization as against the mass of the people of the land. Sir, I say that if this thing is done it will be the saddest blow ever struck to labor itself. It will be the saddest blow ever struck to the liberties of our country.

No reservation answers the question, for a reservation still allows this thing to be set up and makes us a party to the organization that will set it up. Though we refuse to be bound, still we have created it. Though we refuse to be parties to the operations of the serpent after it is hatched, we have helped hatch the serpent. Though we say it shall not enter here, we have helped to create a creature that will wind its coils around the liberties of other peoples in other lands, and we have recognized as a world principle the proposition that the world should not be governed by all the people of the world, but that it should be governed by a class of the people.

Sir, signs of the times warn us to beware, when it was shown before a Senate committee recently that men who are anarchistic in their views and destructive in all their sentiments are to-day controlling vast classes of men, and when we find them boasting, "We have now become so powerful that by a strike we shall not only injure our employer and compel him to submit because of his injuries, but we shall compel the American people to force him to submit by starving the American people for want of food or freezing them for want of fuel."

That, sir, is a new proposition in American life. A strike used to be aimed at the employer. It was a contest between him and his men. The object of the strike was to compel him to yield because of the misfortunes put upon him. But to-day these strikes seem to be taking the character of an effort to freeze the

people of the United States into submission and to starve them into submission. Beware, as we pass along the troubled highway of these times, that we do not add fuel to a smoldering fire and that we do not by our acts encourage and recognize the very principle that these men contend for. That principle is that a few men, organized, have the right to control the destiny of the rest of the people of the world, the principle written in this document that we are asked now to sanction.

If we strike it out we shall play the part of a manly nation. If we strike it out we shall play the part of Senators of the United States. If we quibble about it, if we evade it, if we refuse to take responsibility we shall play a part of which I shall never be proud and which I think none of you will look back upon with any cheerfulness of mind.

Mr. President, these questions should go to the American people. It is our business to see that they do go to the American people. This revolutionary instrument should be submitted to the votes of that great body of men and women who constitute, after all, the Government of the United States of America.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Sherman
Ball	Gronna	McKellar	Simmons
Borah	Hale	McLean	Smith, Ariz.
Brandegee	Harding	McNary	Smith, Ga.
Calder	Harris	Moses	Smith, S. C.
Capper	Henderson	Myers	Smoot
Chamberlain	Hitchcock	Nelson	Spencer
Colt	Johnson, Calif.	New	Sterling
Culberson	Jones, N. Mex.	Newberry	Sutherland
Cummins	Jones, Wash.	Norris	Swanson
Curtis	Kellogg	Nugent	Thomas
Dial	Kendrick	Overman	Townsend
Dillingham	Kenyon	Owen	Trammell
Edge	Keyes	Page	Underwood
Elkins	King	Phelan	Wadsworth
Fernald	Kirby	Phlips	Walsh, Mass.
Fletcher	Knox	Polindexter	Walsh, Mont.
France	La Follette	Ransdell	Watson
Frelinghuysen	Lenroot	Reed	Williams
Gay	Lodge	Robinson	Wolcott
Gerry	McCormick	Sheppard	

The VICE PRESIDENT (at 3 o'clock p. m.). Eighty-three Senators have answered to their names. There is a quorum present. In accordance with the unanimous-consent agreement, the amendment known as the La Follette amendment is now to be voted upon. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the senior Senator from Ohio [Mr. POMERENE]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. DILLINGHAM (when his name was called). I am paired with the senior Senator from Maryland [Mr. SMITH], who is necessarily absent. For that reason I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN] and I must withhold my vote. If permitted to vote, I would vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I believe the Senator from Pennsylvania [Mr. PENROSE] has not voted. I have a pair with that Senator, which I transfer to the senior Senator from Alabama [Mr. BANKHEAD] and vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. Noting that he has not voted, I transfer my pair with him to the senior Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. UNDERWOOD. My colleague, the senior Senator from Alabama [Mr. BANKHEAD], is detained from the Senate by illness.

Mr. GERRY. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Ohio [Mr. POMERENE], the Senator from Maryland [Mr. SMITH], and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business.

The Senator from Nevada [Mr. PITTMAN] and the Senator from Tennessee [Mr. SHIELDS] are detained on official business. The result was announced—yeas 34, nays 47, as follows:

## YEAS—34.

Ball	Frelinghuysen	McCormick	Poindexter
Borah	Gore	McLean	Reed
Calder	Gronna	Moses	Sherman
Capper	Harding	Myers	Thomas
Cummins	Jones, Wash.	New	Wadsworth
Curtis	Kenyon	Newberry	Walsh, Mass.
Elkins	Knox	Norris	Watson
Fernald	La Follette	Page	
France	Lodge	Phipps	

## NAYS—47.

Ashurst	Henderson	McNary	Smith, S. C.
Chamberlain	Hitchcock	Nelson	Smoot
Colt	Johnson, S. Dak.	Nugent	Spencer
Culberson	Jones, N. Mex.	Overman	Sterling
Dial	Kellogg	Owen	Swanson
Edge	Kendrick	Phelan	Townsend
Fletcher	Keyes	Ransdell	Trammell
Gay	King	Robinson	Underwood
Gerry	Kirby	Sheppard	Walsh, Mont.
Hale	Lenroot	Simmons	Williams
Harris	Mcumber	Smith, Ariz.	Wolcott
	McKellar	Smith, Ga.	

## NOT VOTING—15.

Bankhead	Fall	Pittman	Stanley
Beckham	Johnson, Calif.	Pomerene	Sut'erland
Brandegee	Martin	Shields	Warren
Dillingham	Penrose	Smith, Md.	

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE obtained the floor.

Mr. LODGE. Will the Senator allow me to ask for the printing of a document?

Mr. LA FOLLETTE. Certainly.

Mr. LODGE. I have here a compilation of notes exchanged between the German peace delegation and the allied and associated powers, respecting the conditions of peace presented to Germany. They are very important papers, many of which have not been printed, and I think they would make a very valuable public document. I ask that they may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered. [S. Doc. No. 149.]

Mr. LA FOLLETTE addressed the Senate. After having spoken for 1 hour and 40 minutes,

Mr. LODGE. I understand that the Senator from Wisconsin can not conclude to-night.

Mr. LA FOLLETTE. I can not conclude to-night.

## EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate go into secret executive session.

The motion was agreed to, and the doors were closed. After 10 minutes spent in secret executive session, the doors were reopened.

## TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

## RECESS.

Mr. LODGE. I move that the Senate take a recess until tomorrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Thursday, November 6, 1919, at 11 o'clock a. m.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate November 5 (legislative day, November 3), 1919.*

## UNITED STATES DISTRICT JUDGES.

Edwin Y. Webb to be United States district judge, western district of North Carolina.

John W. Peck to be United States district judge, southern district of Ohio.

## PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Edward R. Marshall to be surgeon.

Passed Asst. Surg. Emil Krulish to be surgeon.

Asst. Surg. Roscoe Roy Spencer to be passed assistant surgeon.

Asst. Surg. Charles Joseph McDevitt to be passed assistant surgeon.

Asst. Surg. Sanders Louis Christian to be passed assistant surgeon.

Asst. Surg. Walter Casper Teufel to be passed assistant surgeon.

Asst. Surg. Henry V. Wildman to be passed assistant surgeon.

Asst. Surg. Herbert A. Spencer to be passed assistant surgeon.

Asst. Surg. Gleason C. Lake to be passed assistant surgeon.  
Asst. Surg. William S. Bean to be passed assistant surgeon.  
Asst. Surg. Thomas B. H. Anderson to be passed assistant surgeon.

Dr. Clarence A. Ransom to be assistant surgeon.  
Dr. Guy McM. Parkhurst to be assistant surgeon.

## POSTMASTERS.

## INDIANA.

Charlie O. Alton, Milan.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, November 5, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the center and circumference, the all in all, the Alpha and Omega, the same yesterday, to-day, and forever, creating, recreating, upholding, directing the destiny of men and of nations, open Thou our perceptions, that we may see clearly the way, and give us the courage to walk therein, that our lives may harmonize with the great eternal plan, that Thy kingdom may come and Thy will be done in earth as in heaven.

We faintly hear, we dimly see,  
In differing phrase we pray;  
But, dim or clear, we own in Thee,  
The Light, the Truth, the Way!

Amen.

The Journal of the proceedings of Monday, November 3, was read and approved.

## REQUEST TO ADDRESS THE HOUSE.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana, Dr. ASWELL, be permitted to address the House for 35 minutes.

The SPEAKER. This being Calendar Wednesday, the Chair thinks that there must be unanimous consent to dispense with the regular business of Calendar Wednesday. The gentleman can put it in that form.

Mr. CLARK of Missouri. I move that the business of Calendar Wednesday be dispensed with for 35 minutes and that the gentleman from Louisiana [Mr. ASWELL] be permitted to consume the time for 35 minutes in addressing the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent—

Mr. MADDEN. I make the point of order that the Chair can not entertain a motion of that sort on Calendar Wednesday under the rule.

Mr. CLARK of Missouri. What is the reason?

Mr. MADDEN. You can not make that kind of a motion.

The SPEAKER. The gentleman is asking unanimous consent.

Mr. MADDEN. That is different.

The SPEAKER. The Chair was putting it as a request for unanimous consent.

Mr. MADDEN. I understood that the gentleman moved it.

The SPEAKER. The Chair will put it as a request for unanimous consent. The gentleman from Missouri asks unanimous consent that the business of Calendar Wednesday be dispensed with for 35 minutes to allow the gentleman from Louisiana [Mr. ASWELL] to address the House for 35 minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, a parliamentary inquiry. My impression is that the present Speaker and the former Speaker have both held that a unanimous-consent request can not be submitted on Calendar Wednesday. Is not that true?

The SPEAKER. That is, on the ground that the business of Calendar Wednesday must be dispensed with, but this is a request for unanimous consent to dispense with the business of Calendar Wednesday for that length of time.

Mr. MONDELL. But the rule is that the business of Calendar Wednesday can only be dispensed with by a two-thirds vote.

Mr. CLARK of Missouri. Unanimous consent is more than two-thirds.

Mr. ANDERSON. Mr. Speaker, I think it is bad practice to have these speeches coming in on Calendar Wednesday, and therefore I object.

The SPEAKER. The gentleman from Minnesota objects.

## ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, the call rests with the Committee on Military Affairs. They have a few bills of not very great importance, but still bills that ought to be passed. My

hope is that these bills may be disposed of in about two hours, and that we may then go to the Unanimous Consent Calendar. If the business of that committee is disposed of at a reasonably early hour this afternoon, I intend to move to suspend the business of Calendar Wednesday for the balance of the day and go to the Unanimous Consent Calendar.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3263. An act to authorize the construction of flood-control and improvement works in Minnesota River and Big Stone Lake, between the States of Minnesota and South Dakota;

S. 3125. An act authorizing the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education; and

S. 1300. An act to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes.

S. 3126. An act authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission;

S. 46. An act for the protection of the water supply of the town of Sunnyside, Utah;

S. 2789. An act for the consolidation of forest lands in the Sierra National Forest, Calif., and for other purposes;

S. 2323. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States";

S. 2798. An act authorizing the removal of stumps from cut-over Oregon and California lands;

S. 1743. An act for the relief of Matthew McDonald;

S. 2188. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes";

S. 2379. An act to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed;

S. 3239. An act to amend the Army appropriation act for 1920 so as to authorize travel allowances to persons discharged from disciplinary barracks and other places of confinement other than honorably, and for other purposes;

S. 157. An act authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise;

S. 3115. An act authorizing the Secretary of the Interior to correct an error in an Indian allotment;

S. 729. An act to amend section 217 of the act of Congress entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; and

S. 3238. An act relating to detached service of officers of the Regular Army.

The message also announced that the Senate had passed with amendment the bill (H. R. 3944) for the relief of Della James, in which the concurrence of the House of Representatives was requested.

#### ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2883. An act authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.; and

S. 641. An act to amend an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

October 22, 1919:

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918; and

H. R. 8624. An act to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and to regulate rents in the District of Columbia.

October 27, 1919:

H. R. 7138. An act granting a franking privilege to Edith Carow Roosevelt.

November 4, 1919:

H. R. 9205. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The message further announced that bills and joint resolutions of the following numbers and titles, having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

Presented to the President September 29, 1919:

H. R. 9091. An act granting the consent of the Congress to the county of Hennepin, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River.

Presented to the President October 2, 1919:

H. J. Res. 208. Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

Presented to the President October 7, 1919:

H. R. 7417. An act to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

Presented to the President October 16, 1919:

H. R. 7972. An act to improve the administration of the Postal Service in the Territory of Hawaii, in Porto Rico, and the Virgin Islands; and

H. R. 8986. An act granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.

Presented to the President October 17, 1919:

H. R. 1429. An act adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho; and H. R. 9203. An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce.

Presented to the President October 18, 1919:

H. J. Res. 230. Joint resolution authorizing and directing the Secretary of Agriculture to prepare and issue a supplementary report on the condition of the cotton crop.

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3263. An act to authorize the construction of flood-control and improvement works in Minnesota River and Big Stone Lake between the States of Minnesota and South Dakota; to the Committee on Flood Control.

S. 3125. An act authorizing the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education; to the Committee on Military Affairs.

S. 3126. An act authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission; to the Committee on Military Affairs.

S. 46. An act for the protection of the water supply of the town of Sunnyside, Utah; to the Committee on the Public Lands.

S. 2789. An act for the consolidation of forest lands in the Sierra National Forest, Calif., and for other purposes; to the Committee on Agriculture.

S. 2323. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States"; to the Committee on the Judiciary.

S. 2798. An act authorizing the removal of stumps from cut-over Oregon and California lands; to the Committee on the Public Lands.

S. 1743. An act for the relief of Matthew McDonald; to the Committee on Naval Affairs.

S. 2188. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes"; to the Committee on Irrigation of Arid Lands.

S. 2379. An act to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910, as amended by the act of August 24, 1912, and which are no longer needed; to the Committee on the Public Lands.

S. 157. An act authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains, to submit to the Court of Claims certain claims growing out of treaties and otherwise; to the Committee on Indian Affairs.

S. 3115. An act authorizing the Secretary of the Interior to correct an error in an Indian allotment; to the Committee on Indian Affairs.

S. 729. An act to amend section 217 of the act of Congress entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

S. J. Res. 112. Joint resolution continuing temporarily certain allowances to officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

#### CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Committee on Military Affairs was called.

#### JURISDICTION OF CRANEY AND FISHERMANS ISLANDS.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs I call up the bill (S. 2495) transferring the tract of land known as Craney Island from the jurisdiction of the War Department to the jurisdiction of the Treasury Department and transferring the tract of land known as Fishermans Island from the jurisdiction of the Treasury Department to the jurisdiction of the War Department.

The SPEAKER. The gentleman from California, by direction of the Committee on Military Affairs, calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman from California a question for information. How long will this bill take?

Mr. KAHN. It should not take more than five minutes.

Mr. CLARK of Missouri. I have heard that kind of stuff before. What are you going to call up after this? I want to know for my own information.

Mr. KAHN. There is another bill for the transfer of a lighthouse reservation at North Point, Md. There are also about six or seven bills unanimously reported by the Committee on Military Affairs, covering various subjects. I am not calling up any bill as to which the action of the committee was not unanimous.

The SPEAKER. The Clerk will report the bill.

Mr. HARRISON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. HARRISON. I should like to ask the chairman of the Committee on Military Affairs if it is possible to get up the bill for public roads, in which we are very much interested? A bill has passed the Senate and been reported by the Military Affairs Committee, to undertake to transfer to the departments of public roads of the various States, for the building of the public highways, a lot of unused war material. I think it is a matter of very great importance to the State of Virginia, and I have been hoping that the chairman would call up that bill.

Mr. KAHN. I understand that the matter is to be taken up under a special rule to-morrow, but I will yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. WALSH. The bill has not been read. This is all irregular. Debate can not start until the bill has been read.

The SPEAKER. This is all by unanimous consent. The bill must be read before there is any debate. The clerk will report the bill.

The bill was read as follows:

*Be it enacted, etc.,* That the military reservation known as Craney Island, now under the control and jurisdiction of the War Department, lying on the western side of the Elizabeth River in Norfolk County, Va., and bounded by the waters of the Elizabeth River, Craney Island Creek, Thoroughfare Creek, and James River, be, and the same hereby is, transferred to and placed under the control and jurisdiction of the Treasury Department for the use of the Public Health Service; and that the sandspit or island called Fishermans Island or Linen Bar, now under the control and jurisdiction of the Treasury Department, situate, lying, and being in the county of Northampton off the point of Cape Charles, between the Atlantic Ocean and Chesapeake Bay, in the eastern district of Virginia, about 12 miles south of Cape Charles City and about 14 miles from Cape Charles Light, containing

225 acres, more or less, above high-water mark, be, and the same hereby is, transferred to and placed under the control and jurisdiction of the War Department for use for military purposes.

Mr. HARRISON. Mr. Speaker, I should like to get about five minutes.

Mr. KAHN. I will yield five minutes to the gentleman from Nebraska first.

Mr. REAVIS. Mr. Speaker, in answer to the question of the gentleman from Virginia [Mr. HARRISON] with reference to the bill that has been reported out by the Military Affairs Committee concerning the distribution of motor vehicles to the highway departments of the several States, I will say that that legislation, so far as it pertains to motor vehicles, is utterly and absolutely unnecessary. Legislation was passed by this House as a rider on the post office appropriation act in March, which granted authority, in the discretion of the Secretary of War, to turn over to the highway department all of the surplus motor vehicles for the purpose of being operated upon roads which were built in whole or in part by Federal aid. Subsequent to that time, in July, a provision was incorporated in the sundry civil appropriation act to the effect that no further transfers of motor vehicles should be made to any of the departments unless compensation was paid therefor, unless such transfers were otherwise authorized by law. The matter was submitted by the Secretary of War to the Judge Advocate General, who rendered an opinion that the provisions of the July act was a prohibition of further transfers to the Agricultural Department for the purpose of building roads by Federal aid. It was then carried to the Attorney General, and the Attorney General rendered an opinion that it was not a prohibition for the reason that the language in the sundry civil appropriation act of July was to prohibit the transfer to any department, unless the transfer was authorized by law, and in the act of March, the post office appropriation act, we had directly authorized by law the transfer to the Highway Commission. Consequently any legislation before this body now granting authority to the Secretary of War to turn these motor vehicles over to the Highway Department is merely a duplication. That is already the law and has already been construed as being the law by the Attorney General and the department in part has been following it.

Mr. BROWNE. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. BROWNE. Is it not a fact that the Secretary of War, Mr. Baker, notwithstanding the overruling of the Judge Advocate's opinion by the Attorney General, refuses to turn over certain road material such as tractor engines and concrete mixers and a great many other things?

Mr. REAVIS. Oh, the Agriculture Department has been clamoring and the highway departments of the various States have been appealing ever since January of this year for this equipment. There has been full authority of law since March of this year, and all of that time the trucks have been standing in the open with no storage to protect them.

Mr. KITCHIN. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. KITCHIN. Have they been authorized ever since March to make these transfers without compensation?

Mr. REAVIS. Yes; in the Post Office appropriation act of March.

Mr. KITCHIN. I thought I understood the gentleman to say that subsequently in some other appropriation act passed this session—

Mr. REAVIS. In the sundry civil appropriation act of July, following the appropriation act of March, there was a rider attached to the act to the effect that no further transfers should be made to these departments, without compensation, unless otherwise authorized by law, but it was authorized by law in the act of March to turn them over to the Agriculture Department, and the Attorney General so construed the law, and I do not see how any man could have construed it otherwise.

Mr. KAHN. Mr. Speaker, if the gentleman will permit, I think that law was passed February 28, 1919.

Mr. REAVIS. The gentleman means the first authorization?

Mr. KAHN. The Post Office appropriation act.

Mr. REAVIS. Whether in February or March, there has been full authority for this transfer from February or March down until this time, to the Secretary of War, and the matter will come before the House under a rule to-morrow with reference to compelling the transfer.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. HARRISON. I am very much interested in the matter. I do not care how we get it, if we get results. I understand

that the resolution which has been reported with a rule is nothing in the world but a House resolution asking the Secretary of War to turn these machines over.

Mr. REAVIS. That is absolutely true, and it is also true that certain food lay in the warehouse rotting for nine months until the same kind of a resolution was passed by this House, and it was then turned out to the people within two weeks.

Mr. HARRISON. The resolution is confined solely to motor vehicles, when there is any quantity of other road material.

Mr. REAVIS. Oh, the gentleman is mistaken about there being any quantity. There is a very limited quantity.

Mr. HARRISON. I think there is \$4,500,000 worth.

Mr. REAVIS. I mean of surplus.

Mr. HARRISON. Four million five hundred thousand dollars' worth.

Mr. REAVIS. Not of surplus. There is a total equipment in excess of \$4,000,000, but not surplus, and the only thing that the War Department can do under any legislation, unless we want to make appropriations to buy again for the War Department, is to dispose of the surplus, and the surplus, of course, is that portion of the equipment which the department and the Army does not need.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. CANDLER. If the situation is as the gentleman describes, and the War Department fails, even though it appears to be the law, as clearly stated by the gentleman from Nebraska [Mr. REAVIS], in view of the fact that this distribution of these supplies is held up and we are not able to get results, does the gentleman from Nebraska not think that we better pass the resolution in order to begin to get these supplies moving to the States?

Mr. REAVIS. I will say to the gentleman that it is the purpose, if it is possible to do so, to bring the resolution before the House the first thing to-morrow morning. I would have made the effort and have made the effort to get it before the House earlier, but the subcommittee, from which that resolution comes is composed of three members, two Republicans and one Democrat. The one Democrat has been forced to be away from Washington for several days and will not return until to-morrow. He is the only member from the gentleman's side of the House who heard the testimony, who knows anything about it, and I think it would be unfair to take it up in his absence.

Mr. CANDLER. I think the gentleman is correct about that. His course evidences his usual courtesy and desire at all times to be fair.

Mr. REAVIS. For that reason I asked for the rule to-morrow morning, when he will be present.

Mr. CANDLER. And the gentleman is anxious to get the resolution passed?

Mr. REAVIS. There is nobody more anxious.

Mr. CANDLER. I am glad to hear that, as I am anxious to see the States get these supplies at the earliest possible date.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, the resolution, House resolution No. 362, which the Rules Committee has reported and to which the gentleman from Nebraska refers, if practical results are desired, amounts to nothing. It is simply a House resolution of request, and if adopted would be without the force of law. As the basis for partisan discussion of the demerits of the War Department it may serve a purpose, but it is hard to understand what other object it has.

As pointed out by the gentleman from Nebraska at the last session of Congress, Congress enacted a statute authorizing the Secretary of War to turn over to the Agriculture Department to be distributed amongst the States such surplus implements and materials as the Army no longer needs.

Everyone will realize that if this material is exposed for sale, much of which has been used or abused, the people will realize a very small return in dollars and cents, whereas if utilized for road-building purposes it will be of great practical benefit to the road-construction public, who are the people in the final analysis. In other words, the Government of the United States, representing the people of the United States, should not sell as junk that which the people of the States, who are the people of the United States, badly need for the great road-building program now on foot in practically all the States.

I am informed by the Bureau of Public Roads in the Agriculture Department that the road-building program of the several States aggregates the enormous sum of \$750,000,000. I know in my own State the program contemplates an expendi-

ture of \$8,000,000. The testimony before the Military Affairs Committee disclosed the fact that many of the States had acted upon the assumption that they would receive their proportion of this surplus under the provisions of the act of Congress to which the gentleman from Nebraska has referred.

This act is very broad in its terms. The Secretary of War is clothed with a broad discretion to turn over to the States for road purposes all equipment which the War Department does not need and which is used for road building. At this session of Congress, in the sundry civil appropriation bill, a clause was inserted that no motor-propelled vehicles should be turned by the War Department to any other department without payment, except such as are authorized by law.

This clause was construed by the Judge Advocate General as repealing the provisions of the act of last session so far as motor-propelled vehicles are concerned. Of course, all distribution to the States ceased. Bills were promptly introduced in the Senate and the House to reinstate the provisions of the act of last session. The House military Affairs Committee has reported House bill 9412 with amendments, and, I understand, is identical in its original form with a Senate bill.

After distribution to the States had ceased by reason of the ruling of the Judge Advocate General, the Attorney General rendered an opinion overruling the opinion of the Judge Advocate General, and the original act is recognized as the law of the land. But the Secretary of War, in a letter to the chairman of the Military Affairs Committee, has announced his purpose of confining his discretion to the distribution of certain motor-propelled vehicles and of refusing to distribute other essential road-building material. The bill reported by the House Military Affairs Committee makes it mandatory to distribute the material, which it defines as properly road-building material. As well as I can gather from official sources, the motor situation is about this.

The figures I here give were furnished me by the Director of Sales.

At the date of the armistice there were under construction motor vehicles in number 119,625. Contracts were canceled to the number of 78,349, and deliveries were made through the several months, including June, of 41,285. Of these 41,285 vehicles, delivered, 1,018 were passenger cars, 8,568 were motor cycles, 8,545 were side cars; bicycles, 14,890.

There were, of course, a large number on hand at that date.

The following table shows the number shipped overseas since the armistice:

	Trucks.	Automobiles.
November.....	9,556	1,223
December.....	3,051	803
January.....	226	395
February.....	206	161
March.....	12	415
April.....		42
May and June.....	12	2

The following tables show the declared surplus and its distribution:

*Motor-propelled vehicles declared surplus.*

April 15.....	36,589
July.....	3,000
Total.....	39,589

*Vehicles distributed.*

Agricultural Department, for roads.....	13,035
Agricultural Department, for other purposes.....	1
Post Office Department.....	7,900
Public Health Service.....	1,268
Camp Community Service.....	39
Food Administration.....	8
Superintendent State, War, and Navy Building.....	2
Department of Labor.....	1
Reserve Officers' Training Corps.....	3
Department of Commerce.....	4
Other departments.....	11
Interior Department.....	128
Treasury Department.....	3
Housing Corporation.....	13
Navy and Marine Corps.....	483
District Commissioners.....	3
Total.....	22,903

Surplus declared.....	39,589
Surplus distributed.....	22,903
Balance on hand.....	16,686

Of which 15,000 are unserviceable and 5,000 will shortly be sold as junk.

A car is treated as unserviceable when the cost of repair will exceed 35 per cent of cost value.

Of the 39,589 declared surplus, 6,000 were passenger cars:

Passenger cars' surplus	6,000
Distributed:	
Bureau of Public Roads	1,554
Post office	2,132
Public Health	252
Camp Community Service	39
Food Administration	8
Department of Labor	1
Reserve Officers' Training Corps	3
Unspecified department	3
District Commissioners	3
Interior Department	94
Housing Corporation	1
Navy and Marine Corps	42

Total 4,153

Of this balance perhaps there is hardly a serviceable vehicle.

Mr. REAVIS. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. REAVIS. Will the gentleman be good enough to state from whom he got those figures?

Mr. HARRISON. I obtained them from the Director of Sales, Mr. Guy Hutchinson. I got them only the other day.

Mr. REAVIS. Does the gentleman know who Mr. Guy Hutchinson is?

Mr. HARRISON. I only know he is the man at the head of the Sales Division. That is all I know. He appeared before the Committee on Military Affairs as such, and the resolution for which the rule was obtained amounts to nothing, because the War Department now claims to be carrying out exactly what that resolution requires. The bill which, I think, has passed the Senate and has been approved by the Committee on Military Affairs makes it mandatory upon the War Department to distribute this material. Now, I say there are about 16,000 undistributed motor-propelled vehicles, of which about 15,000 are unusable, and 5,000 are going to be sold as junk in a very short time, and the resolution for which the rule was obtained amounts really to nothing.

Mr. KINKAID. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. KINKAID. What will the Senate bill accomplish if enacted?

Mr. HARRISON. It carries a great many materials other than motor vehicles useful for road building and motor vehicles when declared surplus. The Secretary of War says that he will confine his discretion to these motor-propelled vehicles that have been already requisitioned, and he will not extend his authority or his discretion beyond that.

Mr. KINKAID. If the gentleman will pardon a further question, would the Senate bill authorize the distribution of vehicles and implements which would be usable?

Mr. HARRISON. Yes; as soon as declared surplus they will. I want to lay before the House—

Mr. KINKAID. There will be some surplus declared?

Mr. HARRISON. There ought to be. I will read figures which I would like to incorporate in the Record. I have here the weekly statistical report made by the War Department. Now, they have here a table, which I will put in the Record, which anybody can read for himself, in which it shows the number of vehicles that are required for an army of 576,000 men and officers and the surplus. For instance, trailers required for such an arm, 4,302; on hand, 28,015. Bicycles, 5,008 required; on hand, 20,170. Motor cycles, 18,789 on hand; required, 10,874. Special trucks, 5,429 required; and they only have 4,349. Passenger cars, 7,309 required; and only 5,733 on hand.

#### MOTOR VEHICLES AND BICYCLES REQUIRED FOR AN ARMY OF FIVE CORPS.

Estimated requirements for an army of 5 corps (21 divisions) skeletonized on a peace-time basis, plus the needs for garrisons and posts and special service, including the National Guard, but not providing for universal military training. Estimate based on 1919 tables of organization:

	Required.	On hand.	On hand in per cent of required.
Trailers	4,302	28,015	651
Bicycles	5,008	20,170	403
Motor cycles	10,874	18,789	173
Special trucks	5,429	4,349	80
Passenger cars	7,309	5,733	78
Cargo trucks	20,920	12,091	58

Estimated requirements for the forces enumerated above brought up to war strength according to 1918 tables of organization; universal military training provided for:

	Required.	On hand.	On hand in per cent of required.
Trailers	5,882	28,015	476
Bicycles	7,508	20,170	269
Motor cycles	15,951	18,789	118
Special trucks	7,929	4,349	55
Passenger cars	10,856	5,733	53
Cargo trucks	31,055	12,091	39

Mr. REAVIS. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. REAVIS. What does the gentleman refer to when he says "required"—required for what?

Mr. HARRISON. For an Army of 576,000 men. If the Army should be less the surplus will be greater.

Mr. REAVIS. Let me state to the gentleman that there are 158,000 motor vehicles in the hands of the Army in the United States. The gentleman says there are 15,000 surplus. That would leave a motor vehicle for every third man in the Army.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. How much more time would the gentleman desire?

Mr. HARRISON. I would like to have five minutes.

Mr. KAHN. I will yield the gentleman five minutes.

Mr. HARRISON. I have here and I will put in the Record how these vehicles have been distributed and what purchased of the surplus. The bill which has been unanimously reported by the Committee on Military Affairs contains a second section which refers to a number of articles which are not motor-propelled vehicles but still are very useful in the construction of public roads. The figures given me are as follows:

Equipment available to be transferred	\$4,015,000
Total ordered to be transferred	\$2,759,000
Tractors transferred to Agricultural Department	\$2,353,000
Tractors to Agriculture	number 390
Tractors to Public Health	do 16
Tractors, value \$440,000, still available	do 27

Mr. BLAND of Indiana. If the gentleman will permit, the gentleman understands the available amount of road-building material in this country is a very small amount compared with what we had in France; that none of that was available a month after the armistice was signed, because it was turned over to the French?

Mr. HARRISON. I did not know about that.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. SMITH of Michigan. Are those trucks to be turned over to the road-building authorities of the States without compensation?

Mr. HARRISON. Yes; they are to be turned over to the States engaged in road building, just as the money is turned over which we have appropriated for road building.

Mr. SMITH of Michigan. I understand the gentleman from Nebraska, who preceded the gentleman, to say that it was only to be turned over upon payment therefor.

Mr. HARRISON. Oh, no. That is the point that held this matter up. I think, in defense of the War Department, this much can be said, that they had not ascertained the surplus until April. They declared the surplus and began the distribution of these motor vehicles. Then this Congress enacted a provision in the sundry civil deficiency bill which required that no vehicles be turned over except those that were paid for by the various departments unless some provision of law authorized it.

The Judge Advocate General held that that repealed the provision in the act of March or February which authorized the distribution of these things. Ever since August those matters have been held up in the War Department to await action on the part of this Congress, which has never been forthcoming. It was the fault of this Congress in part—

Mr. SMITH of Michigan. What was the purpose or use of that provision that required payment to be made therefor? How do we get around that?

Mr. HARRISON. The statute says except such as were authorized by law. The Attorney General, overruling the Judge Advocate General, held that the distribution for road purposes was authorized by law, and therefore the deficiency bill provision excepted such distribution.

Mr. LAYTON. Mr. Speaker, as a matter of information, what is the basis of distribution? Is it based upon population or miles of road under construction?

Mr. HARRISON. I trust the bill indorsed by the Military Affairs Committee, which will bring results, will be considered,

and the resolution sanctioned by the Rules Committee abandoned as useless.

I believe an opportunity is here offered to aid every State in the Union in its road-building program, which ought not to be neglected.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I yield one minute to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Speaker, the following telegram was sent this morning to Gov. Coolidge, of Massachusetts:

I congratulate you upon your election as a victory for law and order. When law is the issue, all Americans stand together.

(Signed) WOODROW WILSON.

[Applause.]

Mr. WALSH. Why did not the President send that message before the election?

Mr. KAHN. Mr. Speaker, the bill which is pending proposes an exchange of land in Chesapeake Bay. There are two islands there, one of them Craney Island and the other Fishermans Island. One is owned by the Treasury Department, and the War Department has constructed fortifications on it. The other is owned by the War Department, and the Treasury Department has constructed a quarantine station there. So these islands ought to be transferred to the departments that are really using them, and each department should be given complete jurisdiction over the island it is using.

Mr. WALSH. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. WALSH. What use is the Treasury Department making of Craney Island now?

Mr. KAHN. It has a quarantine station on it, with buildings, and so on.

Mr. WALSH. And what use is the War Department making of the other island?

Mr. KAHN. It has put up fortifications thereon.

Mr. WALSH. This use of these tracts of land under the jurisdiction of other departments is only something that has arisen during the war emergency, is it not?

Mr. KAHN. No. I think revocable licenses were granted by the respective departments to the other department.

Mr. WALSH. How long ago?

Mr. KAHN. Some years back.

Mr. WALSH. How long ago?

Mr. KAHN. Some years back. And they have become so important at this time that it is deemed advisable to transfer the title, so that the proper department could exercise full jurisdiction over the island.

Mr. WALSH. Well, do they take possession and control of some of the property of either department when the transfer is made?

Mr. KAHN. No; they will not. The island on which the fortifications are located is now owned and controlled by the Treasury Department. They will turn it over to the War Department, the War Department already having property on that island.

Mr. WALSH. And the Treasury Department having none except the island?

Mr. KAHN. Exactly. Mr. Speaker, I ask that the bill be read for amendment.

Mr. CANNON. Let me ask a question. If this is transferred to the Treasury Department, that means to the Public Health Service?

Mr. KAHN. Yes; practically.

Mr. CANNON. What improvements are there?

Mr. KAHN. I believe there are some buildings there. It is either used as an immigration station or a quarantine station; I have forgotten which.

Mr. CANNON. An immigration station would be under the Department of Labor?

Mr. KAHN. Yes.

Mr. CANNON. Are there any hospitals there?

Mr. KAHN. No; there are some buildings there that can be used for housing people if they should be quarantined.

Mr. CANNON. Where is this?

Mr. KAHN. Near the mouth of the Chesapeake Bay.

Mr. CANNON. Between Norfolk and the sea?

Mr. KAHN. Yes.

Mr. CANNON. Are there any hospitals out there?

Mr. KAHN. I do not know that there are any hospitals there.

Mr. CANNON. Well, is it not more important that the Department of Labor should have this if it wanted an immigration station there?

Mr. KAHN. It is used as a quarantine station. I was mistaken about the other. It is now controlled by the Treasury

Department, which has jurisdiction of the Quarantine Service—the Public Health Service.

Mr. CANNON. Well, I could a tale unfold, but it is not necessary.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 74, noes 0.

So the bill was passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### TRANSFER OF LIGHTHOUSE RESERVATION, NORTH POINT, MD.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill S. 2494.

The SPEAKER. The gentleman from California calls up a bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 2494) to transfer the tract of land known as the Lighthouse Reservation at North Point, Md., from the jurisdiction of the Department of Commerce to the jurisdiction of the War Department.

Be it enacted, etc., That the following-described tract of land situated at North Point, Md., now under the control and jurisdiction of the Department of Commerce, and known as the Lighthouse Reservation, at North Point, Md., be, and the same hereby is, transferred to and placed under the control and jurisdiction of the War Department for use for military purposes:

Beginning at a post now set in the ground north, 82 degrees east, 13 perches from the center of a stump, and north 65 degrees west, 14 perches from a large black oak tree now marked, and running thence south 65 degrees east, 14 perches to the said black oak, thence still south 65 degrees east, 12½ perches to a post north, 65½ degrees east, 12 perches to a post standing southwardly 9 feet from a large white oak, thence south 47 degrees east, 48 perches to a marked sassafras, thence still south 47 degrees east, 2 perches to the water of Chesapeake Bay, thence bounding on the water on said bay and Patapsco River south, 74 degrees west 7 perches, south 80½ degrees west 10 perches, north 71 degrees west 15 perches, north 57½ degrees west 12 perches, north 46½ degrees west, 12 perches, north 46½ degrees west, 44.8 perches, until it intersects a line drawn south 48 degrees west from the place of beginning, and thence to the beginning, containing 7 acres and 22 square perches of land more or less.

Mr. KAHN. Mr. Speaker, this tract of land which it is proposed to transfer has been partly under the jurisdiction of the War Department since 1898. In 1898, by a revocable permit, the island was transferred to the War Department. The Department of Commerce has no real use for the island, while the War Department has a considerable use for it. This legislation will permit that transfer to be made. I ask that the bill be read for amendment.

The SPEAKER. The bill has already been read a second time. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER. A division is asked for.

The House divided; and there were—ayes 72, noes 0.

So the bill was passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### AMENDING THE ARTICLES OF WAR.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill H. R. 3706.

The SPEAKER. The gentleman from California calls up the bill H. R. 3706, which the Clerk will report.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection to the gentleman's request?

Mr. BLANTON. Reserving the right to object, I shall not object to a gentleman having leave to extend his remarks where there is no good reason for his not doing so. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. There is a Senate bill pending that is exactly identical with the House bill. I ask that the Senate bill be considered in lieu of the House bill, and that it be read in lieu of the House bill.

The SPEAKER. The gentleman from California asks unanimous consent that the Senate bill be read in lieu of the House bill. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the

state of the Union. The gentleman from Connecticut [Mr. TILSON] will please take the chair. The Chair is informed that the Senate bill 1373 has not yet been reported, that it is still pending in the Committee on Military Affairs. Therefore it is appropriate to move to discharge the committee.

Mr. KAHN. I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of Senate bill 1373.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the Senate bill 1373, and that it be substituted for the House bill. Is there objection?

There was no objection.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 1373, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 1373, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That article 112 of section 342 of the Revised Statutes of the United States, as amended by the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919, approved July 9, 1918, be, and the same is hereby amended to read as follows:

"ARTICLE 112. EFFECTS OF DECEASED PERSONS.—DISPOSITION OF.—In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters, and if no legal representative or widow be present the commanding officer shall direct a summary court to secure all such effects, and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors; and as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than 30 days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes together with an inventory of the effects secured by said summary court, and a full account of its transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

"The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment."

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. GREENE].

The CHAIRMAN. The gentleman from Vermont is recognized for 10 minutes.

Mr. GREENE of Vermont. Mr. Chairman, the purpose of this bill is to make certain amendments to article 112 of the Articles of War relating to the disposition of the effects of deceased persons. The amendments that are proposed are simply those which have been found by years of administration of the law to be practical suggestions for the improvement of the law and to further the carrying out of its original intent.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes; certainly.

Mr. BEE. Have those amendments been reported?

Mr. GREENE of Vermont. It is the bill itself that makes the amendments.

Mr. BEE. Let me ask the gentleman this question: Where they have authority to receive any debts due to the deceased's estate from a local debtor, what would become of the question of paying debts that require an administrator to collect? How would you get around that?

Mr. GREENE of Vermont. That is a matter for the civil courts. All that this does, if the gentleman will inquire into it, is to provide a means whereby the Army, having in its custody temporarily the effects of a deceased man, may turn them over to the representative of the deceased.

Mr. BEE. I am in favor of the bill.

Mr. GREENE of Vermont. We are not administering his estate in any sense.

Mr. BEE. I am in favor of the bill, but I was afraid of this clause—to receive any debts due to the deceased's estate from local debtors.

Mr. GREENE of Vermont. Suppose an officer in the garrison owed \$25 to the deceased, and it is paid in and made part of the effects sent back to his family. The changes proposed here do not run to the principle of the law. It is not originally intended to administer the officer's estate. It means that the Army will turn over to somebody who will subsequently take care of them those effects that are found in the garrison when the man dies. All the changes that are proposed—as the gentlemen may see if they will turn to the second page of the report accompanying the bill, upon which the original text of the article 112 is printed—are these: If you go down about 10 lines you will see, after the words "or to the son, daughter, father," the words "next of kin" are written in; and then, after the word "father," we have written in "Provided, That the father has not abandoned the support of his family."

There are one or two small verbal changes that do not affect the sense or intention; and in another place, after the words "the beneficiary named," the words are written in, "in the will of the deceased" instead of "the beneficiary named by the deceased," as the original text provided.

Now, I will say the only purpose of this bill is to profit by the experience in the operation of this article 112 for a good many years and to provide by this change that some of the accidents and circumstances which have hitherto confused and perhaps made the operation of this article miscarry shall be avoided. You can get a good idea of that perhaps from the very words that I read here:

Provided the father has not abandoned the support of his family.

It would manifestly be improper and unjust, and altogether contrary to the intention of the act, to turn over this personal property of the dead officer or soldier to the father when it was known that the father was not living with the family, had abandoned it and gone away, in which case it ought to go to the next of kin.

Mr. WINGO. That would not always be true. I happen to know of a case, not in my district or in my State, of the father of a soldier who acted very properly in abandoning the family. The family consisted of a wife and one daughter, and the father could not maintain his self-respect and live with them. The father and the son were of the same opinion, although they were much humiliated by the conditions. The only one that the boy had anything to do with was the father. Now, why should that father be denied the effects of his son, and those effects be turned over to the mother, who really was not entitled to any consideration by reason of the life she was living?

Mr. GREENE of Vermont. Let me suggest to the gentleman that, as a lawyer, he understands that a law must be written so as to be of general application, rather than to provide for unusual and peculiar circumstances.

Mr. WINGO. But the law does not make any exception like that which you are making here.

Mr. GREENE of Vermont. Just a moment. If the relations which you suggest existed between father and son, it is very probable that the son would have given notice where his property was to go and not let this automatic law take effect.

Mr. WINGO. Oh, not one boy in a thousand ever thinks of what is going to become of his effects when he goes into the Army.

Mr. GREENE of Vermont. Then, take it on that ground. Supposing the father was the only one who was justly entitled to the effects of the son, and the family had really abandoned the father, and the son was living with him, would not the father have the right to go into court and get the property?

Mr. WINGO. Not under this law. You are undertaking to fix a law to govern this. If it were not for this article of war, then the laws of the States on the descent and distribution of personal as well as real property would control, but the present Articles of War, which you do not remedy by the amendment, say "the widow or legal representative." In some States the father is not considered a legal representative, because the property would go to a brother in preference to a father, because in most of the States property descends before it ascends, and going to the father or mother is considered an ascent and not a descent. That is the trouble with this whole article, that you disturb the laws of descent and distribution that are in effect in most of the States. You bar the father. Under the article as it now exists the father can not go to the camp and get the effects of his son, and you do not remedy it by this.

Mr. KAHN. If the gentleman from Arkansas will yield, the purpose of the bill is not to change the law of distribution. The purpose of the bill is simply to name some person who, if the soldier dies, shall receive temporarily the effects of the soldier. The estate of the soldier must be administered by the courts.

Mr. WINGO. Will the gentleman permit me there?

Mr. KAHN. Yes.

Mr. WINGO. The gentleman certainly is too good a lawyer to make the contention he has just made. I presume the gentleman is a lawyer.

Mr. KAHN. Yes.

Mr. WINGO. Let me read him the language. The gentleman is discussing a legal proposition. You say you collect the property temporarily and then turn it over.

Mr. KAHN. That is the idea.

Mr. WINGO. And the gentleman says that then the law of descent and distribution of the State controls. I say it does not control. On page 2, line 5, appears this language:

And as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected, through the Quartermaster Department, at Government expense—

To whom? To the person entitled to them under the law of domicile of the soldier? No—

to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named.

In other words, you set up a legal rule for the distribution of personal property of soldiers by this act.

Mr. GREENE of Vermont. No.

Mr. KAHN. No; the gentleman is entirely mistaken.

Mr. GREENE of Vermont. I have tried to tell the gentleman from Arkansas the very same thing, that this is not for the purpose of establishing a probate court to administer the effects of the deceased, but it is a gathering up of the personal property of the deceased soldier for the purpose of turning it over to a custodian. This is a military court, not a civil court.

Mr. WINGO. I know that; but you provide that this military court shall distribute the personal property of the deceased soldier to the person whom you designate.

Mr. GREENE of Vermont. And the law of the State can reach the custodian and determine the distribution of the property.

Mr. WINGO. Yes; but if the gentleman has had experience such as I have, he knows that possession is nine points of the law.

Mr. GREENE of Vermont. The Army is simply getting rid of property on its hands.

Mr. WINGO. The trouble is there is too much red tape. I will gladly welcome the assistance of the gentleman to get the property of a soldier which I have been trying for two years to get. The trouble under the present article of war, which you do not remedy here, is that it provides a different rule from that of the States. If you provided that the commanding officer should turn over the property to the person entitled to receive it under the laws of the domicile of the soldier, then you would remedy the situation some.

Mr. GREENE of Vermont. That would make it necessary to turn the commanding officer into a court, and he would have to be a lawyer. But he is a military man, and all he wants to do is to relinquish the custody of the property which he has in his hands.

Mr. WINGO. There is no trouble in any other department.

Mr. GREENE of Vermont. The only intention is to put it into the hands of somebody by whom it may be lawfully and properly distributed through the probate court.

Mr. WINGO. Why not put it into the hands of somebody who is entitled to it under the law? There is no State in the Union that has such a rule of distribution as this.

Mr. GREENE of Vermont. This is not a rule of distribution. It is a rule of custody.

Mr. WINGO. It is a rule of distribution.

Mr. GREENE of Vermont. No; it is not a rule of distribution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes more to the gentleman. Now, will the gentleman yield to me?

Mr. GREENE of Vermont. I will.

Mr. KAHN. The gentleman from Arkansas has been mixed. In the first place, the officer in command of a post is not familiar with the laws of descent of the whole country. A soldier happens to die and leave a little personal property. In order to send this promptly to some of his folks the law tries to fix a series of relatives who shall receive it in the order named in the bill. Then, when it comes to that person, if any of the kin are interested in procuring possession of the property they will begin proceedings in the probate court of the State.

Mr. WINGO. Yes; but why do you adopt an order providing for the delivery to persons not in conformity with the rule of distribution in a single State in the Union? Why do you not adopt an order here that they shall turn this property over and adopt the ordinary rule of distribution?

Mr. KAHN. There may be only 100 soldiers at a camp, and no judge advocate there and no lawyer.

Mr. WINGO. The gentleman is talking about one thing and I am talking about another. I ask him why you do not write in here that the property shall go to the person that ordinarily is entitled to receive it?

Mr. KAHN. The officer in command would have to know the law.

Mr. WINGO. The gentleman now does not catch my question. Why do you not, instead of saying it shall go in the order named here—why do you not take the ordinary order and write it into the law here?

Mr. KAHN. Because the ordinary order changes in different States. It is not the same in every State.

Mr. GREENE of Vermont. May I suggest to the gentleman from Arkansas that he perhaps is under the impression that this seeks to administer the soldier's effects.

Mr. WINGO. Oh, no.

Mr. GREENE of Vermont. We are not seeking to exercise a judicial function, but merely a military one, to relieve the officer in charge of the post of the custody of the property and have another party take charge of the personal effects that the dead man has left as soon as possible. The officer gathers up the effects and sends them to these people in the designated order and gets them off his hands. After that the civil process will operate, wherever the soldier was domiciled, in the administration of his effects through the probate court.

Mr. WINGO. I am not talking about their acting as a probate court. Why is it you do not include the right of a father to take the boy's effects?

Mr. GREENE of Vermont. Because the experience has been, and the suggestion of the War Department—

Mr. BEE. Will the gentleman from Vermont let me answer the gentleman from Arkansas? I have a case in point. A boy was killed in France. His watch and ring and other personal effects were left. His father had abandoned the family and for 20 years had paid no attention to them. The mother had reared the boy. Should the father be entitled to those personal effects?

Mr. WINGO. A little while ago I gave an illustration just the opposite. You ought not to bar the father absolutely because one father has acted badly.

Mr. BEE. If he had not supported his family, if he had abandoned his family, he ought not to have charge of those personal effects.

Mr. GREENE of Vermont. The language of the bill is "provided the father has not abandoned the support of his family." If he abandoned his family, he ought not to have the personal effects. They are mostly keepsakes and trinkets, little things which the deceased leaves when he dies at an Army post.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. WINGO. Mr. Chairman, I would like five minutes.

Mr. KAHN. I will yield five minutes to the gentleman from Arkansas.

Mr. WINGO. Mr. Chairman, there is no difference between the gentleman from California and the gentleman from Vermont and myself with reference to the object to be attained. We all want to simplify the procedure by which the personal effects may be turned over to the proper person. But I am afraid this amendment does not do that. I am for anything that will stop holding these effects. My experience has been very exasperating in regard to this matter, and I am for any proposition that will give the proper party the goods and effects, effects not worth sometimes much in money, but worth everything to the father. I have one case in point—a watch which had been in the family for generations, handed down from father to son. Here is what you do if you undertake to say that the commanding officer can deliver it to two persons—first the widow or the legal representative. The gentleman from California says that if you undertake to provide that you shall turn them over to the person entitled to them by law of the soldier's domicile that you have to make a lawyer out of the commanding officer. You certainly have to make a lawyer out of the commanding officer if you make him decide who is the legal representative that you provide for.

Mr. KAHN. No; there is a court that passes on that.

Mr. WINGO. Oh, well, why not provide it could be delivered directly to the father or to the mother—of course if he is married the widow is entitled to it—and then, if you want to provide with respect to either one having abandoned the family you can do it. But in the first instance, the commanding officer can deliver it to the widow or to the legal representative. If he does not know who the legal representative is, and he would not know in some States, he can then do like every other department of the Government does—demand that their authority be presented. In most instances they come along and show authority. They could cite the commanding

officer to the section of the statute of the State, which is available to the Judge Advocate's department, and the man could turn it over, but if the widow is not present, or if the soldier is single, the commanding officer now does what he will do under this. He will say, "I do not know who the legal representative is," and he will not send it to anybody, he will hold it, and a Congressman may beg for it. They will tell you that they do not know where it is, that they have searched and that they can not find it, and what do you provide? You provide that in that case he shall send it at Government expense to the Quartermaster Department. Why go to the expense of transporting this over the country and sending it to the Quartermaster Department? Then that department will have to have a showing made to it as to who is the legal representative.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. GREENE of Vermont. This article of war is exactly as its name indicates—one of those rough-and-ready make-shifts by which men in charge, in the exigencies of military life, may have some quick means of disposing of the exigency. What would you do with a little detachment of men in the field, where a man dies and has some property? Would the gentleman have the matter go to the Supreme Court of the United States before that property could be gotten out of the Army's hands?

Mr. WINGO. No. I will tell the gentleman what the officer would do, if he has enough sense to be an officer, in such a contingency. The officer would have the dead man's companions put together his effects, his watch, his pictures, his letters, and he would seal them up in a package and send them to his superior commanding officer of that particular camp. That is what the average soldier would do in the field. What would that commanding officer do, if he was not restricted by some provisions as you have here? He would notify the relatives of the deceased soldier, and then he would send the effects on to the relatives whenever he was satisfied that the person demanding them was the proper legal representative, but that is not the way that it is done now.

Mr. GREENE of Vermont. May I ask the gentleman another question?

Mr. WINGO. Can the gentleman tell me how it is done now by the officer out in the field? How does he do it now?

Mr. GREENE of Vermont. He makes the first thumb-hand rule that may suit the circumstances, just as anybody would do.

Mr. WINGO. They do the thing we are trying to get around by this amendment; but these amendments restrict the right of the father instead of extending the right of the father. The trouble is that your present article of war has most of the language in it now that this bill has. The gentleman points out the changes made—

Mr. GREENE of Vermont. Exactly; and they are made as a result of experience, which showed they are necessary.

Mr. WINGO. In other words, you want to shut it up and restrict it instead of extending it.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, as I understand this bill, it is not what the gentleman from Arkansas [Mr. Wingo] believes it to be. This is not to provide for the distribution of personal property as personal property is distributed by the laws of inheritance of a State. It is to give authority and direction to officers of the Army to deliver the meager belongings of a deceased soldier into the hands of some responsible person, a relative of the deceased, who will keep them, if entitled to do so, or who will act as custodian of them so that they will reach the hands of the person who is entitled to the possession of them. If any question arises as to the right of any such person as custodian to hold and keep the property, that question can be determined in a proper proceeding in a court having jurisdiction of the persons and the property. I do not see that this law is a law for the distribution of property in the sense of determining the person or persons who at the time have or are later to have the right of permanent possession; it is simply to find somebody into whose hands it shall be placed, somebody to relieve the War Department of the duty and burden of keeping it until a court shall determine the title or right of possession. The title can be determined later, if there is a controversy in respect to it.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. WINGO. Does it not go further than that? Does it not state to whom you shall distribute it, and do you not for the purpose of Army administration set up a rule of distribution?

Mr. McLAUGHLIN of Michigan. By its terms it simply suggests persons to be preferred and the order in which they may be preferred, but practically only as custodians by the War Department.

Mr. WINGO. Mr. Chairman, will the gentleman yield further?

Mr. McLAUGHLIN of Michigan. I have only five minutes.

Mr. WINGO. Is not that all that a law of distribution in any statute of a State does?

Mr. McLAUGHLIN of Michigan. No; it is not. A statute of a State relating to inheritance and descent of property and a judgment of a court under that statute are for the purpose of determining the descent of intestate property; to determine not the temporary custodian but the person or persons who are to have title to and permanent possession of property.

A court, in pursuance of a statute, determines the final ownership and right of possession of property. This does not undertake to do anything of that kind.

And as to the particular case the gentleman cites, where there was a separation of a husband from his wife and daughter, in my humble judgment the husband would not be held by a court to have abandoned his family. They, being wholly at fault, would be held to have abandoned him; at least he would be justified in leaving them and in living apart from them, and in doing so he would lose none of his rights as to the property of his son. And the rule is the same as to the wife. If she leaves his home on account of his misconduct—justifying divorce—she takes all her rights with her. It seems to me this bill is entirely proper; it provides simply for finding a temporary—and I think I use the proper word—custodian of property, somebody with whom the War Department can deal without delay. If there is later a dispute or controversy as to who is permanently entitled to the property, the matter can be tried in a court. Difficulty would arise, possibly, in some cases. Property of some value may be put into the hands of one who is not really entitled to hold it permanently, and it may be difficult to recover the property from him, but that often happens.

Mr. GREENE of Vermont. Will the gentleman permit a suggestion?

Mr. McLAUGHLIN of Michigan. I will.

Mr. GREENE of Vermont. After all, the effect of this bill, apart from what the gentleman said or rather in continuation of it, is that by enumerating these different persons in the law the officer who has the present custody may know to whom he may safely intrust this property awaiting final decision, and thereby relieve him of the responsibility of making any particular choice.

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GREENE of Vermont. In other words, it is informing to him and instructing to him as to whom he can deliver this property and thus relieve his own responsibility for it.

Mr. McLAUGHLIN of Michigan. The gentleman is right.

Mr. KAHN. I yield two minutes to the gentleman from Texas [Mr. BEE].

Mr. BEE. Mr. Chairman, in many of these far western posts we have this situation: A soldier dies. There is no definite information as to his heirs. This bill merely authorizes a transfer out of the post into the custody of some one else of the personal property only. There is not very much personal property at best. These men are not men endowed with great wealth. There is probably a watch, a ring, a chain, and a little individual keepsake or perhaps a few dollars. This bill prevents the accumulation in the camp of this property until the heirs or the courts settle who is to receive it. It merely transfers from the post to some party who in the civil courts can have the matter determined. It occurs to me, in spite of the suggestion of the gentleman from Arkansas, that it expedites, enhances, and hastens getting the property into the hands of the relatives and friends instead of delaying it.

Mr. WINGO. Will the gentleman yield?

Mr. BEE. I will.

Mr. WINGO. That is not new in this bill; it is the present law. Now, the thing we are trying to get away from is that the present law does not expedite. Can the gentleman name a single soldier whose personal effects have been obtained—

Mr. BEE. No, sir, I can not; but I can name a great many soldiers whose personal effects are being held in the custody of the War Department until the heirs can be ascertained. It is the question of getting a watch, a chain, or a ring—

Mr. WINGO. But this act will not have that effect—

Mr. BEE. This act will have that effect, in my opinion. It will have the effect of transferring the entire troublesome question of determining who they will be and not make the Army

hold it at any place with the attendant risk and at the same time have to pass upon the relative rights of another party. The only objection I have got is that we ought to put the sister before the brother in reference to personal effects.

Mr. WINGO. Will the gentleman yield for another question?

Mr. BEE. If I have time; I see the gavel—

Mr. WINGO. The gentleman is a lawyer; what authority has Congress to undertake to decide who shall have preference?

Mr. BEE. None at all.

Mr. GREENE of Vermont. And it does not.

Mr. WINGO. The plain language of the provision is that they shall deliver the property.

Mr. BEE. And relieve the Army camps from—

Mr. WINGO. The only thing Congress can do is to turn it over to the legal heirs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask that the bill be read for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That article 112 of section 342 of the Revised Statutes of the United States, as amended by the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919, approved July 9, 1918," be, and the same is hereby, amended to read as follows:

Mr. GREENE of Vermont. Mr. Chairman, I desire to offer an amendment. Evidently by typographical error, in the Senate engrossed bill print, as well as the Senate printed bill, line 3 is made to read "That article 112 of section 342 of the Revised Statutes of." That should read "342," and I move an amendment to strike out, in line 3, the figures "342" and insert in lieu thereof "1342."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, amend by striking out the figures "342" and insert in lieu thereof "1342."

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Is the bill now open for amendment?

The CHAIRMAN. The bill is being read for amendment.

Mr. WINGO. And the first paragraph only has been read?

The CHAIRMAN. The first paragraph has been read. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

ART. 122. Effects of deceased persons, disposition of: In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all of his effects then in camp or quarters, and if no legal representative or widow be present the commanding officer shall direct a summary court to secure all such effects; and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors; and as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than 30 days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for cash deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment.

Mr. BLANTON. Mr. Chairman, I offer an amendment. On page 2, reverse the position of the words "brother, sister" so that "sister" will precede "brother."

The CHAIRMAN. Will the gentleman indicate the line?

Mr. BLANTON. Line 12.

Mr. GREENE of Vermont. Does the gentleman care to discuss that?

Mr. BLANTON. I do not care to discuss it.

Mr. GREENE of Vermont. If the gentleman will permit me to make a suggestion, that this, of course—what we have been trying to emphasize for the last half hour—does not give title to the property.

Mr. BLANTON. But it says in the order named.

Mr. GREENE of Vermont. That is simply a depository—the order in which this officer may release the custody of this property. Now, it might easily be that the brother—the male—under the circumstances may be the most convenient person to intrust this to, because ultimately it is going to be submitted, perhaps, to somebody else—

Mr. BLANTON. But I would rather make the sister temporary custodian than the brother—

Mr. GREENE of Vermont. If the gentleman is sure with his experience with our human family—

Mr. BLANTON (continuing). Because I think sisters appreciate it more. Women, I think, appreciate things of that kind more—keepsakes and family articles.

Mr. GREENE of Vermont. I desire to suggest again to the gentleman that she is not necessarily going to get them. She is made to be a servant in this bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 9, of the Senate printed bill, transpose the word "sister" so that the line will read: "Mother, sister, brother, or the next of kin."

Mr. BLANTON. Mr. Chairman, I do not care to take up any time discussing the proposition; but in reply to the gentleman from Vermont [Mr. GREENE] I will state that this involves merely a temporary custodian of the property, it is true; but we men of experience in the ordinary affairs of life certainly understand that the women of our country do take more interest in keepsakes and heirlooms than we men do. And I think, if we are going to prescribe the order of even temporary custodians of such property, preference should be given to the sister rather than to the brother. That is the purpose of the amendment. It is not a matter of any great importance, but yet, of whatever importance it is, since any preference is sought to be given, I think the preference should be given to the woman.

Mr. KAHN. Mr. Chairman, I hope the amendment will not prevail. I recognize the fact that the women do lay more stress upon keepsakes than men do. But here is your situation: Suppose the soldier has a sister when he goes into the Army; while he is away she marries and changes her name altogether, possibly goes away from the neighborhood where the family has lived for many years. The brothers remain in that neighborhood; it is much easier for the War Department officials to transfer to a brother than it is to some sister under those circumstances. We speak of "brothers and sisters." The brother comes first in the ordinary affairs of life. If I thought for a moment that some really great good could be accomplished, I would not object to the amendment, but I think it would be much easier to find the brother than it would be, possibly, to find the sister.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINGO. Mr. Chairman, I ask for recognition. I move to strike out the last word.

The gentleman from California [Mr. KAHN] need not be in a hurry to get a vote on this. It is a very important matter. It is to be regretted that the committee confined itself in amending article of war 112 to a simple change or two, that would make it more difficult for the father to get the personal effects of the son when he dies in camp. I am not going to offer an amendment, because I recognize that when you undertake to amend articles like this on the floor you are doing a very dangerous thing. I trust that members of the committee will go into this matter further and not simply think of one case, where a father is not worthy. The only material amendment you put in here is to provide that a father who has abandoned his family shall not receive the effects, and that is the most material amendment.

The gentleman talks about a summary court. It does not make any difference what you call it, this Congress has no authority to set up any court of probate jurisdiction over the effects, personal or otherwise, of any citizen of this land. Of course, all you do by this is to give directions to a commanding officer as to whom he shall deliver the personal effects of a deceased soldier. Now, if you did not have article of war No. 112, the law would compel the commanding officer to do what? To deliver the property to the person who is entitled to the possession of it under the law of the domicile of the deceased soldier. Now, when you undertake to provide that nobody but a legal representative or the widow can get the effects at the camp, what do you do?

Under this bill and under the present law the father may stand there and say, "I want these effects"; the mother may stand there and say, "I want these effects"; the brother may stand there and say, "Here is a letter from father and mother, and he was my only brother, and I want these effects"; or

the sister may come there to camp and say, "He was my brother; I want the effects"; a Congressman may go to the camp and say, "I represent the father of the deceased soldier. The soldier had a watch that had been in the family since Revolutionary days. Here is a letter from the father telling me to get it, and I want it." But you can not get it. You have to turn it over to a summary court and send it to the Quartermaster Department at Government expense, tie it up in Washington in storage, and then when you call on the War Department they say, "We have no record of any effects left by the soldier, but will ask the commanding officer to report," and months elapse and finally you are told the soldier left no effects. What becomes of the boy's watch? Such a policy is silly. It would be common sense to let the commanding officer turn the property over to the father or mother. Everybody in this House knows that if the father is not entitled to the property the court can compel him by summary process to deliver it over to the person that is entitled to it. Any lawyer knows that. So you are not trying to meet that kind of a situation but just trying to add a little more red tape to the already burdensome red tape, which has so far caused most of the effects of the deceased soldiers, which are purely sentimental in value, to be lost at the camps. And this only adds to the interminable processes along that line.

Mr. KAHN. Mr. Chairman, I want to rise in opposition to the pro forma amendment.

The gentleman from Arkansas [Mr. WINGO] is unduly frightened. During this war a great many boys were killed. When the soldiers' pockets were searched there was a little money found, possibly, or there was some trinket found or he had a watch on his wrist. The soldier probably carried a photograph of his sweetheart. Now, the purpose of the legislation is to enable the commanding officer immediately upon the death of a soldier to gather those effects, put them into a package, convene three officers to determine among themselves, from his effects if they can, to whom they should send the package for division among the relatives, if the relatives should go into a court to ask that the estate be divided. The officer who sends the material to one of the family does not know positively whether that person is entitled to it or not. But suppose there were two or three brothers of the deceased; under the reasoning of the gentleman from Arkansas [Mr. WINGO] the officer would have to determine the division of the property to show which articles each brother ought to receive. The purpose of the legislation is simply to enable the War Department officers to determine among themselves to whom they will send the materials, and the question of subsequent disposal is another matter and will be settled in the courts if the case should be taken into court.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the question recurs on the amendment of the gentleman from Texas [Mr. BLANTON].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 4, noes 38.

So the amendment was rejected.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the bill as amended do pass.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1373) to amend the Articles of War, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WINGO. Mr. Speaker, I move to recommit the bill to the Committee on Military Affairs with instructions to report the same back forthwith with an amendment after the word "widow," on page 1, line 11, of the House print of the bill, by inserting the words "father or mother," so that it will read, "will permit the legal representative or widow, father, or mother of the deceased, if present, to take possession," and so forth.

The SPEAKER. The Clerk will report the motion of the gentleman from Arkansas.

The Clerk read as follows:

Mr. WINGO moves that the bill be recommitted to the Committee on Military Affairs with instructions to that committee to report the same back forthwith with the following amendment: Page 1, line 11, after the word "widow," insert the words "father or mother."

Mr. KAHN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. WINGO. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 5, noes 37.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas makes the point of no quorum. Evidently there is no quorum present. The Clerk will call the roll. As many as favor the motion to recommit will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 49, nays 193, answered "present" 2, not voting 188, as follows:

## YEAS—49.

Almon	Gallagher	Martin	Robinson, N. C.
Aswell	Gard	Mays	Sanders, La.
Ayres	Garrett	Minahan, N. J.	Stoll
Bankhead	Goodwin, Ark.	Montague	Steagall
Bland, Va.	Huddleston	Moon	Steele
Blanton	Hullings	Neely	Tillman
Caraway	Humphreys	Oldfield	Watkins
Carss	Jacoway	Padgett	Wilson, La.
Collier	Johnson, Miss.	Park	Wilson, Pa.
Connally	Jones, Tex.	Pou	Wingo
Dewalt	Kitchin	Rainey, Ala.	
Emerson	Lankford	Randall, Calif.	
Evans, Mont.	Larsen	Rayburn	

## NAYS—193.

Alexander	Echols	Layton	Rowe
Anderson	Edmonds	Lazaro	Rube
Andrews, Nebr.	Elliott	Lee, Calif.	Rucker
Anthony	Esch	Lee, Ga.	Sanders, Ind.
Baer	Evans, Nebr.	Luhning	Sanford
Barbour	Fairfield	McArthur	Schall
Bee	Fisher	McFadden	Scott
Begg	Foster	McKinley	Sells
Brenham	Freeman	McLaughlin, Mich.	Shreve
Black	French	McLaughlin, Nebr.	Sinnott
Blackmon	Fuller, Mass.	McPherson	Small
Bland, Mo.	Glynn	MacCrate	Smith, Idaho
Bowers	Green, Iowa	MacGregor	Smith, Mich.
Box	Greene, Mass.	Madden	Smithwick
Brand	Greene, Vt.	Major	Stedman
Briggs	Hadley	Mann, S. C.	Steenerson
Brinson	Hardy, Colo.	Mansfield	Stephens, Ohio
Brooks, Ill.	Hardy, Tex.	Mapes	Stiness
Brooks, Pa.	Harrison	Mason	Strong, Kans.
Browne	Hastings	Merritt	Summers, Wash.
Browning	Hayden	Michener	Sweet
Buchanan	Hays	Miller	Taylor, Tenn.
Burdick	Heflin	Monahan, Wis.	Thompson
Burke	Hernandez	Morgan	Tilson
Byrnes, S. C.	Hersey	Mott	Timberlake
Byrns, Tenn.	Hickey	Nelson, Mo.	Upshaw
Caldwell	Hoch	Nelson, Wis.	Valle
Candler	Holland	Newton, Minn.	Venable
Chindblom	Houghton	Newton, Mo.	Vinson
Christopherson	Hudspeth	Nichols, Mich.	Volstead
Clark, Fla.	Hull, Iowa	O'Connor	Walsh
Clark, Mo.	Hull, Tenn.	Olney	Wason
Classon	Husted	Osborne	Watson, Pa.
Cleary	Igoe	Overstreet	Watson, Va.
Coady	James	Parker	Weaver
Cooper	Johnson, Wash.	Parrish	Welling
Crago	Juul	Pell	Wheeler
Cramton	Kahn	Purnell	White, Kans.
Crisp	Kearns	Quin	White, Me.
Crowther	Keller	Radcliffe	Williams
Currie, Mich.	Kelly, Pa.	Raker	Winslow
Dale	Kless	Ramseyer	Woods, Va.
Darrow	King	Randall, Wis.	Wright
Dent	Kinkaid	Reavis	Yates
Dickinson, Mo.	Klecza	Reber	Young, N. Dak.
Dickinson, Iowa	Knutson	Reed, W. Va.	Young, Tex.
Dowell	Kraus	Rhodes	
Dunbar	Lampert	Ricketts	
Dupré	Lanham	Romjue	

## ANSWERED "PRESENT"—2.

Cannon

Sears

## NOT VOTING—188.

Ackerman	Butler	Davis, Minn.	Ellsworth
Andrews, Md.	Campbell, Kans.	Davis, Tenn.	Elston
Ashbrook	Campbell, Pa.	Dempsey	Evans, Nev.
Babka	Cantrill	Denison	Ferris
Bacharach	Carew	Dominick	Fess
Barkley	Carter	Donovan	Fields
Bell	Casey	Dooling	Flood
Benson	Cole	Doremus	Focht
Bland, Ind.	Copley	Doughton	Forney
Boies	Costello	Drane	Frear
Boomer	Cullen	Dunn	Fuller, Ill.
Britten	Curry, Calif.	Dyer	Gallivan
Brumbaugh	Dallinger	Eagan	Gandy
Burroughs	Davey	Eagle	Ganly

Garland	Kincheloe	Murphy	Smith, Ill.
Garner	Kreider	Nicholls, S. C.	Smith, N. Y.
Godwin, N. C.	LaGuardia	Nolan	Snell
Goldfogle	Langley	O'Connell	Snyder
Good	Lehbach	Ogden	Stephens, Miss.
Goodall	Leshner	Oliver	Stevenson
Goodykoontz	Linthicum	Paige	Strong, Pa.
Gould	Little	Peters	Sullivan
Graham, Pa.	Loneragan	Phelan	Summers, Tex.
Graham, Ill.	Longworth	Platt	Swope
Griest	Luce	Porter	Tague
Griffin	Lufkin	Rainey, H. T.	Taylor, Ark.
Hamill	McAndrews	Rainey, J. W.	Taylor, Colo.
Hamilton	McClintic	Ramsey	Temple
Haskell	McCulloch	Reed, N. Y.	Thomas
Haugen	McDuffie	Riddick	Tincher
Hawley	McGlennon	Riordan	Tinkham
Hersman	McKenzie	Robison, Ky.	Towner
Hicks	McKeown	Rodenberg	Treadway
Hill	McKinstry	Rogers	Vare
Howard	McLane	Rose	Vestal
Hutchinson	Magee	Rouse	Voigt
Ireland	Maher	Rowan	Walters
Jeffers	Mann, Ill.	Sabath	Ward
Johnson, Ky.	Mead	Sanders, N. Y.	Webb
Johnson, S. Dak.	Mondell	Saunders, Va.	Webster
Johnson, N. Y.	Mooney	Scully	Welty
Jones, Pa.	Moore, Ohio	Sherwood	Whaley
Kelley, Mich.	Moore, Pa.	Siegel	Wilson, Ill.
Kendall	Moore, Va.	Sims	Wise
Kennedy, Iowa	Moore, Ind.	Sinclair	Wood, Ind.
Kennedy, R. I.	Morin	Sisson	Woodyard
Kettner	Mudd	Siemp	Zihlman

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. FLOOD.  
 Mr. BOIES with Mr. SEARS.  
 Mr. LANGLEY with Mr. FIELDS.  
 Mr. TINCHER with Mr. THOMAS.  
 Mr. ACKERMAN with Mr. GANDY.  
 Mr. FULLER of Illinois with Mr. SHERWOOD.  
 Mr. LUCE with Mr. TAGUE.  
 Mr. SINCLAIR with Mr. GALLIVAN.  
 Mr. LONGWORTH with Mr. GARNER.  
 Mr. MOORE of Ohio with Mr. DOUGHTON.  
 Mr. TREADWAY with Mr. BOOHER.  
 Mr. LITTLE with Mr. HENRY T. RAINEY.  
 Mr. KENDALL with Mr. MCCLINTIC.  
 Mr. ANDREWS of Maryland with Mr. WISE.  
 Mr. BACHARACH with Mr. WHALEY.  
 Mr. BLAND of Indiana with Mr. WELTY.  
 Mr. BURROUGHS with Mr. TAYLOR of Colorado.  
 Mr. REED of New York with Mr. EVANS of Nevada.  
 Mr. RIDDICK with Mr. EAGLE.  
 Mr. ROGERS with Mr. EAGAN.  
 Mr. GOOD with Mr. RIORDAN.  
 Mr. GOODALL with Mr. JOHN W. RAINEY.  
 Mr. KREIDER with Mr. MCANDREWS.  
 Mr. LA GUARDIA with Mr. LONERGAN.  
 Mr. LEHLRACH with Mr. LINTHICUM.  
 Mr. BUTLER with Mr. TAYLOR of Arkansas.  
 Mr. CAMPBELL of Kansas with Mr. SUMNERS of Texas.  
 Mr. COPLEY with Mr. STEVENSON.  
 Mr. COLE with Mr. SULLIVAN.  
 Mr. CURRY of California with Mr. STEPHENS of Mississippi.  
 Mr. GOODYKOONTZ with Mr. PHELAN.  
 Mr. GOULD with Mr. OLIVER.  
 Mr. LUFKIN with Mr. LESHNER.  
 Mr. MCCULLOCH with Mr. KETTNER.  
 Mr. MAGEE with Mr. JOHNSTON of New York.  
 Mr. MANN of Illinois with Mr. JOHNSON of Kentucky.  
 Mr. DALLINGER with Mr. SMITH of New York.  
 Mr. DAVIS of Minnesota with Mr. SISSON.  
 Mr. ROSE with Mr. DRANE.  
 Mr. SANDERS of New York with Mr. DOREMUS.  
 Mr. SIEGEL with Mr. DOOLING.  
 Mr. SMITH of Illinois with Mr. DONOVAN.  
 Mr. DEMPSEY with Mr. SIMS.  
 Mr. DUNN with Mr. SAUNDERS of Virginia.  
 Mr. MONDELL with Mr. HOWARD.  
 Mr. MOORE of Pennsylvania with Mr. HERSMAN.  
 Mr. SNELL with Mr. DOMINICK.  
 Mr. SNYDER with Mr. DAVIS of Tennessee.  
 Mr. MOORES of Indiana with Mr. HAMILL.  
 Mr. TINKHAM with Mr. DAVEY.  
 Mr. STRONG of Pennsylvania with Mr. CULLEN.  
 Mr. TOWNER with Mr. CASEY.  
 Mr. VARE with Mr. CARTER.  
 Mr. VESTAL with Mr. CAREW.  
 Mr. GRAHAM of Pennsylvania with Mr. O'CONNELL.  
 Mr. FESS with Mr. SCULLY.  
 Mr. FOCHT with Mr. SABATH.

Mr. GRAHAM of Illinois with Mr. NICHOLLS of South Carolina.  
 Mr. HASKELL with Mr. MOORE of Virginia.  
 Mr. HAUGEN with Mr. MOONEY.  
 Mr. HAWLEY with Mr. MEAD.  
 Mr. VOIGT with Mr. CANTRILL.  
 Mr. WALTERS with Mr. CAMPBELL of Pennsylvania.  
 Mr. WARD with Mr. BRUMBAUGH.  
 Mr. WILSON of Illinois with Mr. BENSON.  
 Mr. WOOD of Indiana with Mr. BELL.  
 Mr. WOODYARD with Mr. BABKA.  
 Mr. ZIHLMAN with Mr. ASHBROOK.  
 Mr. MORIN with Mr. GRIFFIN.  
 Mr. MUDD with Mr. GOLDFOGLE.  
 Mr. HILL with Mr. MAHER.  
 Mr. HUTCHINSON with Mr. McLANE.  
 Mr. IRELAND with Mr. MCKINIRY.  
 Mr. MURPHY with Mr. GODWIN of North Carolina.  
 Mr. FORDNEY with Mr. ROWAN.  
 Mr. GARLAND with Mr. ROUSE.  
 Mr. PETERS with Mr. GANLY.  
 Mr. RAMSEY with Mr. FERRIS.  
 Mr. JONES of Pennsylvania with Mr. MCKEOWN.  
 Mr. KELLEY of Michigan with Mr. McDUFFIE.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The nays have it, and the motion to recommit is rejected. The question is on the passage of the bill.

The question being taken, the bill was passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KAHN. Mr. Speaker, I move that House bill 3746, which is identical with the Senate bill just passed, be laid on the table. The motion was agreed to.

#### SURPLUS DENTAL OUTFITS.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs I call up House joint resolution 222, directing the Secretary of War to dispose of surplus dental outfits.

The SPEAKER. The gentleman from California, by direction of the Committee on Military Affairs, calls up a House joint resolution, which the Clerk will report.

The Clerk read the title of the joint resolution.

The SPEAKER. This joint resolution is on the Union Calendar. Accordingly the House will resolve itself into the Committee of the Whole House on the state of the Union for its consideration, and the gentleman from Connecticut [Mr. TILSON] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 222.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

Whereas on November 11, 1918, the day the armistice was signed, there were in round numbers 5,000 commissioned dental officers on duty; and

Whereas since the discharge of a large majority of these dental officers there are many thousand dental outfits in the hands of the Government and not in use; and

Whereas these outfits will inevitably deteriorate and become useless in a short time if stored away as they now are; and

Whereas thousands of these dental officers who before entering the service disposed of their private outfits and are now without them: Therefore be it

*Resolved, etc.,* That the Secretary of War is hereby authorized and directed to dispose of all dental outfits not in use and not immediately needed by the Government: *Provided*, That they shall be sold preferentially to an honorably discharged dental officer and at a price not to exceed 25 per cent of the first cost to the Government: *Provided further*, That after the period of six months after this act goes into effect these dental outfits may be disposed of to the general trade: *And provided further*, That all dental outfits or parts thereof so purchased shall be invoiced, packed, and delivered to any railroad station within the United States designated by the purchaser without additional cost for packing and shipping.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized to sell at public or private sale, under such rules and regulations as he may prescribe, all dental supplies in excess of the needs of the Government, preferentially to persons who served in the Army of the United States during the recent war and who are at the time of such sale licensed to practice dentistry."

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, it happens that the War Department has on hand a very large amount of dental equipment and supplies such as are usually used in dentistry. Now, we have a provision of law that war supplies of this character shall be sold preferentially to the Navy, to the Marine Corps, to the Red Cross, and one or two others. Those are public purposes, and the provision of law is that those public purposes shall have preferential recognition. That is, the War Depart-

ment can turn these things over to the Navy or to the Marine Corps under existing law.

The purpose of this joint resolution, and its only purpose, is to authorize the Secretary of War to sell at private sale to men who served in the war who are now licensed to practice dentistry. The bill originally introduced by the gentleman from Delaware [Mr. LAYTON] provided that the War Department should sell to such dentists, apparently in recognition of their services in the war, at 25 per cent of the original cost of these supplies. No one can fail to recognize that it would be a very fine thing to give something to any soldier, but the committee was unable to see any very good reason why the War Department should give 75 per cent of the value of these things to those particular soldiers who served in the war who happen to be dentists.

These supplies are now very rare. Many of the dentists who went into the war gave up their practice, sold their outfits, and now find themselves upon their return to civil life unable to buy the equipment that is necessary to reestablish themselves in their profession, at least without paying a very exorbitant price. I can see absolutely no reason why the War Department should grant to one soldier a money bonus—and that would be the effect of the original bill—in preference to any other soldier.

The bill as it is amended by the committee allows the War Department, in its own discretion and under its own rules, to sell at a fair, reasonable price at private sale, without advertisement to the public, to any soldier who is a dentist and who served honorably in the war. It also provides that dentists who served in the war shall be given a preference over every other private interest. That prevents the dealers in supplies in dentistry from coming in and buying these things from the Government at private sale and provides that the dentist who is actually licensed to practice his profession shall have this preference.

Mr. JONES of Texas. Will the gentleman yield?

Mr. SANFORD. I will.

Mr. JONES of Texas. What was the purpose in taking out of the bill the direction to the Secretary of War to sell these supplies? Is it the purpose to leave it in his discretion?

Mr. SANFORD. That was the exact purpose. This is an administrative matter. I take the position that Congress ought not to specify the details, but should put the responsibility where it belonged, on the Secretary of War, to sell these supplies at a fair and reasonable price within the limits of the bill.

Mr. JONES of Texas. I agree with the gentleman; but the question whether they should be sold or not should not be left to the Secretary of War. The details should be left to him, but it seems to me that it would be well to direct him to sell them.

Mr. SANFORD. I think it is advisable to avoid the use of the word "direct" as often as possible. The object of this bill is to get these supplies into the hands of bona fide soldier dentists as early as possible.

Mr. MADDEN. If the gentleman will yield, has it not always been the construction of the executive branch of the Government that the word "may" shall be construed as a direction?

Mr. BRIGGS. Will the gentleman yield?

Mr. SANFORD. Yes.

Mr. BRIGGS. I would like to ask the gentleman if there is any large surplus of these supplies now on hand available for distribution?

Mr. SANFORD. I am advised that there is a very large supply.

Mr. BRIGGS. The reason I ask the question is that I had inquiries from my district and was informed by the War Department that they did not have any surplus on hand at this time, but if it developed later on they would be glad to give consideration to its distribution.

Mr. SANFORD. I think the War Department had this matter in mind when they gave that information.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman and gentlemen of the House, it is not my purpose to occupy much time on this matter, so I will be as brief as possible.

The genesis of this resolution comes out of a demand by the dental officers of the late war. When they enlisted in the Federal service some of them sold their dental outfits to the Government at prevailing prices and others disposed of them to individuals or dealers at whatever price they could obtain. This was done not only by reason of their belief as to the indeterminate duration of the war, but also because of the well-known difficulty of preserving them from rust and general deterioration resulting from lack of use. Now that war is over, they find themselves not only with impaired vocations, but without the professional equipment to pursue the same. This is a great hardship upon these patriotic men, especially since their

enlistment and discharge dental outfits have increased more than 300 per cent in their selling price.

This injustice was called to my attention by certain dentists of my State, who asked me to interest myself in the matter, with a view, if possible, of correcting it.

For the information of the House it might be well to state a few pertinent facts in relation to this resolution. At the beginning of the war with Germany there were 86 commissioned dental officers. At the signing of the armistice there were 5,000 commissioned dental officers, 3,000 of whom were on duty in the United States and the remainder in foreign service. There are, approximately, at this time, 4,000 dental officers demobilized or discharged from the service. The Government owns about 6,000 dental outfits.

About 5,000 of these outfits are stored away in various places, such as camps, cantonments, and warehouses throughout the country. About 1,000 of them are in use. An Army of 350,000 men would be allowed by law 700 dental officers and would not need more than 1,000 of these outfits, so that there could be sold without detriment to the service 4,000 of them. It is nearly a year since the armistice was signed. I am informed that the War Department has refused to sell either outfits or parts of the same to discharged dental officers, assigning as a reason its intention of turning them over to the Health Service.

Mr. JONES of Texas. Will the gentleman yield?

Mr. LAYTON. Yes.

Mr. JONES of Texas. Can the gentleman give us any information as to why they waited so long before moving to have this equipment sold?

Mr. LAYTON. I am coming to that.

Mr. JONES of Texas. One further question. Would it not have been much better to have sold this property to the men as they were discharged instead of waiting until they got back and got their equipment?

Mr. LAYTON. My judgment is that as a matter of good business, as fast as a dental officer was discharged the War Department should have allowed him to take a dental outfit home with him.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. KAHN. I yield to the gentleman five minutes more.

Mr. LAYTON. The charge is also made that the reason for this is due to an agreement between the manufacturers and the Government that none of these outfits should be for sale after the termination of the war.

I do not wish to be understood as indorsing these statements. I am compelled to say, however—and it is very regrettable—that suspicious and direct charges of this character have been directed against the Government, wherever it entered into contractual obligations for supplies during the war, including the Beef Trusts, the vegetable and fruit canner, the automobile manufacturer, the cotton and woolen manufacturer, down to the manufacturer of the pick and shovel. While I am addressing the House on this subject, I desire to say that I shall introduce another resolution relating to the disposition of vast quantities of medical and surgical supplies, including all sorts of surgical instruments and appliances now held by the Government far beyond its needs. There are millions upon millions of cotton-gauze bandages, for instance, held in storage by the Government which now retail for from 15 to 30 cents when the prewar price was 5 cents. They should be disposed of for the benefit of the whole people.

I find that the chairman of the Committee on Military Affairs has a bill dealing with supplies, and when that bill comes before the House I wish to oppose it. In addition to dental outfits there is a vast amount of supplies of all kinds that are required in hospital and civilian practice that are needed in this country for the benefit of our people. I am opposed to a bill which I understand will be presented whereby all this vast material will be handed over to the Red Cross solely for use in foreign countries. There are only three of us who represent the medical profession in the House. I assume to say that the medical profession of the United States to-day needs these supplies here in America. Bandages which before the war cost 5 cents now cost from 15 to 30 cents, and everything else in proportion; and to take those supplies out of the country instead of giving them to hospitals and other institutions and then to those engaged in private practice, in my judgment is neglecting our first duty. [Applause.]

There is no reason why the Government, in these days of high prices, should not dispose of everything which it possesses beyond its proper needs and necessities in order to reduce prices generally. Surely it is evident that the people should have this consideration shown them, inasmuch as there is no dispute

that the manufacturer and the laborer reaped phenomenal profits during the war, and could therefore well afford to endure a temporary abatement of profits when the national need is so imperative. That the national need is imperative needs no extended arguments. Clinical developments of recent years prove conclusively the relation between decayed teeth and dental abscesses, which is the especial province of the dentist's activity, and many diseases arising therefrom, such as rheumatism, pneumonia, and many other pathological conditions due to germs generated in the maxillary regions of the body. Sound teeth have been found one of the primary requisites to the health of the soldier. They are no less requisite to the health of the civilian, and I again repeat that all these superfluous dental outfits should be made immediately available for the people in the cities, towns, and villages throughout the land. [Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, in this time I am going to read a letter from The Adjutant General in regard to returning some of our troops from Russia. [Applause.] Unfortunately, I am sure my colleagues will not smile when I tell them that those landing this week are coming here in their coffins. The Secretary informs me that 111 of those that were buried in Siberia, that we understood were being sent to Brest, in France, there to remain temporarily, have been ordered directly home. They will come on the 9th of this month on the steamship *Lake Daraga*.

WAR DEPARTMENT,  
THE ADJUTANT GENERAL'S OFFICE,  
Washington, November 1, 1918.

HON. WILLIAM E. MASON,  
House of Representatives.

MY DEAR MR. MASON: With reference to your inquiry relative to the return of bodies of deceased soldiers from north Siberia, I beg to say that report has been received from the commanding general, American Forces in France, that 111 bodies evacuated from north Siberia are being returned to the United States on the steamship *Lake Daraga*, which is due to arrive at New York about November 9. No report has been received as to the names of the soldiers whose bodies are returned, but when received their relatives will be communicated with as to the disposition they desire made of the bodies.

Very truly, yours,

P. C. HARRIS,  
The Adjutant General.

I wish simply to remark, as I file this letter here, that it would be a good time for the Congress to consider the question of continuing our sending American troops into Siberia. It is the announced policy of the department not to return these soldiers from Siberia until volunteers are found to take their places. As I have stated to you before—and I dislike to repeat—the sending of these soldiers to Siberia and into northern Russia was an absolute violation of the Constitution of the United States. Congress has declared no war there. According to the statement made by the Secretary of War before the Committee on Military Affairs when I was present these soldiers were not fighting there. He said that they were instructed not to fight; and, according to some with whom I have talked, who have come back and who are still alive, they have been used as guards. One young man was used as a guard for the National City Bank of the city of New York, which has just established a branch in Vladivostok. It occurred to me, on the bringing home of these dead heroes, men who have been sacrificed for our country, and, as I believe, without due process of law—

Mr. BLANTON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. On Calendar Wednesday, under the rules of the House, debate is confined to the subject matter of the bill under consideration. Because of the character of debate by the distinguished gentleman from Illinois [Mr. MASON], I feel constrained to ask that that rule be enforced; and I make the point of order that the gentleman is not confining his remarks to the subject of the bill under consideration.

The CHAIRMAN. The gentleman is correct in his statement of the rule. The gentleman from Illinois will proceed in order.

Mr. BLANTON. I have no objection to the gentleman's proceeding out of order if he does not denounce the Government of the United States just at this particular time.

The CHAIRMAN. The gentleman from Illinois will proceed in order.

Mr. MASON. Mr. Chairman, when it is brought to me so suddenly from a diplomatic source so reliable, I hardly know how to make applicable and germane the return of the dead soldiers from Russia to the discussion of a bill in respect to the price that we shall receive for certain dental tools. With all due respect, I desire to confine myself within the rules of the House, and I shall say no further upon the subject for the time being. I may be pardoned for saying, as I take my seat, that I had

hoped to call the attention of the House, so that we would consider the duty of the Congress. I am not finding fault with any particular branch of the Government. I have my views as to what is right and what is constitutional. The gentleman from Texas probably has his. I think what I have discussed is a fair question for discussion on a military bill of any kind. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KITCHIN. Mr. Chairman, will the gentleman from California yield to me for a moment?

Mr. KAHN. I yield to the gentleman from North Carolina.

Mr. KITCHIN. I notice that this bill is confined to the sale of dental supplies.

Mr. KAHN. Yes.

Mr. KITCHIN. That is, supplies which dentists can purchase from the Government. Why should not medical and surgical supplies be included, so that the doctors and surgeons throughout the country can have the same privilege as the dentists?

Mr. KAHN. I understand that there has been no request made by the doctors for the sale of surgical supplies. The War Department has sent to the Committee on Military Affairs a bill asking that surplus medical supplies be turned over to the Red Cross.

Mr. KITCHIN. Does that include surgical instruments?

Mr. KAHN. I think it does. I dare say that if the doctors of the country had demanded legislation of this kind somebody would have introduced a bill, and it would have been considered.

Mr. KITCHIN. But perhaps they never thought about it. Perhaps they never thought that Congress would pass such a bill. Perhaps some smart, shrewd dentist was looking out for the dentists but not for the doctors.

Mr. KAHN. Oh, the gentleman from Delaware [Mr. LAYTON], who introduced this bill, is a doctor, and he introduced the bill for the dentists.

Mr. KITCHIN. Perhaps the dentists are stronger politically in Delaware than the doctors. [Laughter.] I have no objection to the bill; but I really wanted to know, because it struck me that both should have the same privilege.

Mr. LAYTON. Mr. Chairman, if the gentleman will yield, I said that I would be very glad if we could amend this bill; and as I said in the few remarks I made I am going to introduce a bill covering all this vast material outside of mere dental outfits for the benefit of the health of the people of the United States first.

Mr. KITCHIN. Would it not be very easy for us to amend by including surgical instruments and surgical supplies?

Mr. KAHN. I will have to reserve a point of order on such an amendment.

The CHAIRMAN. The Chair will call attention to the fact that the bill has not yet been read for amendment.

Mr. KAHN. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read the bill.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all of the preamble and all after the enacting clause and insert:

"That the Secretary of War is hereby authorized to sell at public or private sale, under such rules and regulations as he may prescribe, all dental supplies in excess of the needs of the Government, preferentially to persons who served in the Army of the United States during the recent war and who are at the time of such sale licensed to practice dentistry."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. LAYTON. Mr. Chairman, I have an amendment to the committee amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 2, line 13, after the word "authorized" insert the words "and directed."

Mr. LAYTON. Mr. Chairman, if there is no objection to the amendment, I shall take no time.

Mr. KAHN. Oh, I shall not vote for the amendment, but I do not care to take up the time of the House with discussion of it.

Mr. SANFORD. Mr. Chairman, I wish to oppose the amendment; I think the committee did not—

The CHAIRMAN. The gentleman from Delaware is entitled to five minutes.

Mr. LAYTON. If the gentleman is going to oppose the amendment I would like to have the floor on my amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. QUIN. I would like to ask a question of the gentleman from New York.

Mr. LAYTON. Let me get started, please.

Mr. QUIN. I am in favor of the gentleman's amendment, but I want to get at why the gentleman from New York objected. I guess I will have a little time later.

Mr. SANFORD. Mr. Chairman, my reason for opposing the amendment is this: Under the existing law certain preferences are created in favor of the War Department, the Marine Corps, and these others. Now, if you mix up that by giving the Secretary of War direction to sell these goods, I do not know what he would do. I do not think he would know what he would do, and I think you would create an obligation which would make it very difficult for him to handle the subject at all. That is the reason why I desire to authorize him to do it, and leave it to his judgment to accomplish what he has in his mind just as clearly as the gentleman has.

Mr. LAYTON. Mr. Chairman, I want to say in rebuttal of that argument that this bill is so worded it is not taking any supplies needed for governmental purposes. It deals absolutely with the surplus for which there is no governmental use, and therefore I want the words "and directed" put in there for this reason. The word "authorization" is not "direction," so far as I have ever understood it. I might authorize a gentleman, or yield the floor for him to make a speech, but by authorizing him to do that I do not compel him to make a speech if he wants to sit down. And the Secretary of War has had this authorization under the general act, which I have here, for a year; at least he has it now—I do not know how long it has been—but he has not acted yet under that authorization. My desire is to make it mandatory, because I have information here, which I desire to put in the RECORD, showing the War Department has refused to sell these dental outfits either in whole or in part.

Mr. BRIGGS. Will the gentleman yield?

Mr. LAYTON. In just a moment. I, as a Member of the House of Representatives, care nothing about who is Secretary of War; that does not enter into it; but as a Member of the House of Representatives I believe this body should begin to resume some of its constitutional powers and say so-and-so shall be done.

Mr. BRIGGS. Will the gentleman now yield?

Mr. LAYTON. Yes.

Mr. BRIGGS. Does the gentleman know to what extent there is a surplus of these supplies on hand? What amount of supplies are on hand?

Mr. LAYTON. I stated that a moment ago, about 6,000 dental outfits. There were 5,000 enlisted dental officers, 86 when the war began and 5,000 at the armistice.

Mr. BRIGGS. These have been on hand for some time, have they not?

Mr. LAYTON. Ever since demobilization took place; yes. And there is a suspicion that the Government also has more dental outfits than that because they had contracts in excess of their needs at the time.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. LAYTON. I will.

Mr. GREENE of Vermont. How long ago did the War Department arrive at the figures of the surplus? They must have begun some time ago to find out how many they had more than they needed?

Mr. LAYTON. This information which I have here of which I have spoken has been in my possession for two months.

Mr. GREENE of Vermont. Does the gentleman know the basis of the official determination of the department that that amount was actual surplus?

Mr. LAYTON. I got my information from the dental officer, the man in charge of one of the divisions.

Mr. GREENE of Vermont. Did he give to the gentleman the information in his official capacity as one giving information for the department?

Mr. LAYTON. He gave it to me in that way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I am heartily in favor of the amendment offered by the gentleman from Delaware. I have had this matter called to my attention from time to time and have not been able to get any satisfaction out of the Surgeon General's office as to any policy that that office intended to pursue with reference to this particular matter. Now, everybody knows that if the Surgeon General's office during the war had sufficient dental equipment for the Army then in the service it has more now than it has any business with and ought to dispose of it. And we may

assume it had sufficient for the service. If it did not, it was because it could not purchase sufficient, because it had plenty of appropriations and authorization, and I believe that this Congress ought to say to the Secretary of War, "You are not only authorized but you are directed to sell all dental supplies which are not needed for the service." Now, in doing that I make no reflection upon the Secretary of War. The Secretary of War, however, in technical matters, in matters of this kind, necessarily has to rely upon subordinates. He has to rely upon the dental officers, men in the Surgeon General's office, and all the information I have been able to get from the Surgeon General's office indicates, at least to my mind, that that office is in no hurry and did not care much about disposing of these dental instruments.

Mr. LAYTON. If the gentleman will permit, I think I have pretty good information that the reason these dental outfits have not been disposed of, although authorized, is because somewhere in the Government, I do not know where, there is a desire to turn this surplus over to the Public Health Service. Well, I do not believe in that. I think it ought to be turned over to the dentists throughout the whole country.

Mr. CONNALLY. Well, a sufficient argument in favor of this amendment is that the Secretary of War has had authority all along to dispose of these surplus supplies and has not done so.

Mr. SANFORD. Will the gentleman from Texas yield to me?

Mr. CONNALLY. I yield.

Mr. SANFORD. The Secretary of War has also had authority to turn over to the Public Health Service such of these items as he sees fit, but he has not had authority to sell other than by public bidding, and the purpose of this bill is merely to sell at private sale to these dental soldiers.

Mr. CONNALLY. I understand that. My purpose in espousing the amendment of the gentleman from Delaware is not to give to the Secretary of War—

Mr. SANFORD. The gentleman would not approve selling at private sale to other than dental officers, would he?

Mr. CONNALLY. I will say to the gentleman that under the language of the bill you give the Secretary of War practically carte blanche to do as he pleases, because you say "under rules and regulations prescribed by the Secretary of War."

Mr. SANFORD. That is dealing with a part of the bill.

Mr. CONNALLY. It is dealing with the whole bill. You simply give the soldiers the preference, but you are authorizing the Secretary to sell these supplies to anybody under such rules and regulations as he may make.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. EVANS of Nebraska. Do you have any information as to what the reason is that the Secretary of War refused to sell, as was inferred by the gentleman from Delaware [Mr. LAYTON]?

Mr. CONNALLY. I have no information other than that I suppose that the Secretary of War was advised by somebody in the Surgeon General's office that it had not completed an investigation as to whether or not these supplies are needed by the Army.

The following letter from the Surgeon General's office may throw some light on the subject:

WAR DEPARTMENT,  
OFFICE OF THE SURGEON GENERAL,  
Washington, September 20, 1919.

Hon. TOM CONNALLY,  
House of Representatives, Washington, D. C.

MY DEAR MR. CONNALLY: Replying further to your letter of August 22, transmitting letter from J. M. Murphy, D. D. S., Temple, Tex., relative to dental outfits, report that investigation by this office has failed to elicit the whereabouts of dental outfits in excess of the requirements of the Army on a peace-time basis.

If universal training is to be decided upon, a large number of outfits will be required, and they will be in constant use, taking care of the young men who will be called to the colors for training. It will probably be the policy of the War Department to remedy dental defects, in so far as practicable, during the period of training. At any rate, all emergency work will be promptly and properly performed, and to do this will require the large number of outfits indicated.

A large number of outfits were purchased. A large number were sent overseas, together with large quantities of dental instruments. Some of these are being returned; others, it is believed, have been sold to the French Government. It will probably be several months before the stock which is being returned from France can be properly assorted, classified, repaired, and made available for issue or for sale.

It is possible that the Director of Purchase and Storage under whose jurisdiction this property now is, may be able to furnish you further information, although in the present state of records and methods in that office this is very doubtful.

Regretting that I can not furnish you any more definite information, I am,

Very sincerely, yours,

EDWIN P. WOLFE,  
Colonel, Medical Corps.

Mr. CALDWELL. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. CALDWELL. The proposition is this, that under the law, if they sell these instruments or supplies under the authority that they now have, they must publish and sell them to the highest bidder and in open competition. The idea of this bill is to give those men who sold their instruments to the Government when we needed them and could not buy them from the factories an opportunity to get privately and make a bargain over the counter for such of the supplies as they want and give them the preference in the purchase.

Mr. LAYTON. Mr. Chairman, I would follow the first amendment, when it is disposed of, with another.

Mr. CALDWELL. We have not disposed of this. The gentleman is asking for information.

The CHAIRMAN. The gentleman's time has expired. All time has expired.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order.

Mr. CALDWELL. I rise to oppose the amendment.

The CHAIRMAN. All time has expired.

Mr. CALDWELL. Have I not the right under the rules of this House to oppose the amendment?

The CHAIRMAN. That would be an amendment in the third degree at this stage of the proceedings.

Mr. CALDWELL. Mr. Chairman, a point of order. Is it not a rule of this House that when an amendment is offered one person opposed to the amendment is entitled to five minutes in opposition to it?

The CHAIRMAN. The understanding is that when a gentleman moves an amendment he has five minutes in which to favor his amendment, and any person who rises in opposition may have five minutes. The gentleman from Texas [Mr. CONNALLY] rose, and the Chair had no idea whether he was in favor of or opposed to the amendment.

Mr. CALDWELL. Mr. Chairman, if the Chair will recall—and he can get the Reporter to read it to him—when the gentleman from Texas rose he announced he was in favor of the amendment.

The CHAIRMAN. Without objection, the gentleman from New York [Mr. CALDWELL] will be recognized for five minutes in opposition to the amendment.

Mr. CALDWELL. Have I answered the gentleman's question?

This is not a case where the Secretary of War or the War Department has hoarded anything that ought to be sold. It is a case where the War Department is asking leave to cut the red tape in order that the men who are really entitled to a preference in the purchase of these things may have an opportunity to do so. These men gave their services and time and energies to the Nation in the time of her greatest need, and there is no reason why they should not have this preference.

Mr. SANFORD. The gentleman from Texas [Mr. CONNALLY] told the committee that in his opinion these sales could be made to anybody. I wish to call the attention of the committee to the fact that this permits sales to soldier dentists, and to nobody else. You can not read a part of this sentence and draw from it an inference of general authority. The only authority given to the Secretary of War is to sell to soldier dentists, and to nobody else; and he not only must sell to them, but sell to them preferentially.

Mr. CONNALLY. I will ask the gentleman from New York, then, what is the use of the word "preferentially"? It means he has authority to sell to anybody, but preferentially to soldiers.

Mr. SANFORD. That would be so if it said so.

Mr. CONNALLY. What is the use of using the word "preferentially"?

Mr. SANFORD. There is not much use. It is merely a description and is opposed to a surplus.

Mr. CALDWELL. Mr. Chairman, I hope the amendment will be voted down.

Mr. JONES of Texas. What is the gentleman's objection to the amendment if the purpose is to sell these and to direct the Secretary to sell them? How would that interfere in any way?

Mr. CALDWELL. We believe there ought to be a certain amount of discretion in the matter, and I do not think we ought to tie the Secretary's hands when he asks the privilege of cutting red tape.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Delaware [Mr. LAYTON].

The question was taken, and the Chair announced that the yeas seemed to have it.

On a division (demanded by Mr. LAYTON) there were—ayes 31, yeas 20.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment as amended.

Mr. LAYTON. Mr. Chairman, I desire to offer another amendment to the committee amendment.

The CHAIRMAN. The gentleman from Delaware offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAYTON: Page 2, line 14, after the word "prescribe," insert the words: "at a price not to exceed the original cost to the Government."

The CHAIRMAN. The Clerk informs the Chair that there is some error in the gentleman's reference. The gentleman from Delaware [Mr. LAYTON] will give heed. The Clerk informs the Chair that the gentleman's reference to the line is an incorrect one.

Mr. LAYTON. It is line 15, page 2, after the word "prescribe."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LAYTON: Page 2, line 15, after the word "prescribe," insert the words: "at a price not to exceed the original cost to the Government."

Mr. CANNON. Mr. Chairman, will the gentleman modify his amendment so that it will read "at the price paid by the Government"?

Mr. LAYTON. I accept that.

Mr. CANNON. It seems to me better. Otherwise they might sell it for nothing.

Mr. LAYTON. The gentleman's suggestion is acceptable.

Mr. SANFORD. Mr. Chairman, I ask that the modified amendment be reported.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

On page 2, line 15, after the word "prescribe," insert "at the price paid by the Government."

The CHAIRMAN. Is there objection to the modification of the gentleman's amendment?

There was no objection.

The CHAIRMAN. The question is on agreeing to the modified amendment offered by the gentleman from Delaware.

Mr. LAYTON. Mr. Chairman, I have the floor. I submit, Mr. Chairman and gentlemen of the House, that this bill is for the soldier boy, and that it is perfectly right; and more than that, it is patriotic. It is a little recognition of men who left their offices and left their practice and sold their outfits, and who now stand to pay over 300 per cent more in order to resume their vocation. I am only asking that the Government sell those outfits at the price it paid for them. Certainly the Government does not want to put itself in the position of trying to make a profit at the expense of the men who sacrificed themselves in this struggle.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. LAYTON. Yes.

Mr. SANFORD. Does the gentleman realize that the Government may have paid a very high price for these things in an emergency, and that they ought to sell now for very much less to these officers? The gentleman's amendment would prohibit that.

Mr. LAYTON. If they sell those outfits to dental officers at the price that the Government paid for them in the beginning, I have the assurance that the dental officers who came to me with their petitions will be perfectly satisfied.

Mr. FULLER of Massachusetts. But the prices have been advanced.

Mr. LAYTON. Yes; I understand that prices have been advanced over 300 per cent.

Mr. PARRISH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PARRISH. In view of the statement of the gentleman from Delaware [Mr. LAYTON], I would like to know if a substitute for his amendment will be in order?

The CHAIRMAN. An amendment by way of a substitute will. Mr. PARRISH. Then I move to substitute in lieu of his amendment this: "at a price not less than the amount paid by the Government."

Mr. LAYTON. I accept that, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

Mr. PARRISH. "At the price paid by the Government."

The Clerk read as follows:

Amendment offered by Mr. PARRISH as a substitute to the amendment offered by Mr. LAYTON: Page 2, line 15, after the word "prescribe," insert "at a price not less than the price paid by the Government."

The CHAIRMAN. Does the gentleman from Delaware wish to withdraw his amendment and accept this one?

Mr. LAYTON. No.

Mr. SANFORD. Mr. Chairman, I would like to say a very short word in favor of leaving discretion in the hands of the Secretary of War in this matter. The Government has been fortunate enough to sell very few things that it bought during the war at the price it paid. I think instances are very rare where they were sold for cost. The Government should not expect to sell at cost to these soldiers. At any rate, that is a matter to be left to the judgment of the Secretary of War. We have not before us sufficient facts to justify us in saying how he should sell or at what price he should sell. I think we can safely leave the matter in the hands of the administrative officer, where it belongs. If he could succeed in selling for 80 or 90 per cent of the cost he would be doing well.

Mr. OLNEY. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. OLNEY. It may be that some of these instruments have been used. They may be secondhand now.

Mr. SANFORD. The gentleman from Massachusetts is right. Many of these instruments may have been used. It is the notion of the committee that the soldier citizen should get a very fair advantage here, but just what advantage he will get I do not know.

Mr. EMERSON. Is it the intention of the department to ask the same price for the new and for the secondhand?

Mr. SANFORD. I do not know as to that. Probably the Secretary would make a fixed price for standard articles and let the dentists know that they can be had at that price.

Mr. PARRISH. Mr. Chairman, in view of the statement made by the gentleman from New York [Mr. SANFORD], a member of the committee, I ask unanimous consent to withdraw my substitute amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his substitute amendment. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, I would like to ask one question.

The CHAIRMAN. The gentleman from New York [Mr. SANFORD] has the floor. Does he yield to the gentleman from North Carolina?

Mr. SANFORD. Yes.

Mr. KITCHIN. Leaving the language as it is, if these supplies are sold they will be sold at a fair market value, will they not?

Mr. SANFORD. Yes.

Mr. KITCHIN. It would permit the Secretary of War or any Government agent to sell at a fair market price?

Mr. SANFORD. I think so.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. BEE. I understand the purpose of this bill is to give the benefit to the dentist who went into the Army. Is that right?

Mr. SANFORD. Yes.

Mr. BEE. I ask a careful reading of lines 16, 17, and 18 to see if we do that or not:

Preferentially to persons who served in the Army of the United States during the recent war and who are at the time of such sale licensed to practice dentistry.

Suppose a man were licensed to practice dentistry on the 1st of last January and he was not a dentist at the time he was in the Army, but became one afterwards?

Mr. SANFORD. I think it would apply to him.

Mr. BEE. I have heard the gentleman from Delaware [Mr. LAYTON] say these men had given up their offices and had gone into the Army, and now they would have to pay more for these instruments.

Mr. SANFORD. It includes those who are in the Army.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Delaware [Mr. LAYTON].

The question was taken, and the amendment was rejected.

Mr. CANNON and Mr. STEENERSON rose.

The CHAIRMAN. Does the gentleman from Illinois desire to offer an amendment?

Mr. STEENERSON. Mr. Chairman, I offer an amendment.

Mr. CANNON. I would like to make a pro forma amendment in order to ask a question or two.

The CHAIRMAN. The gentleman from Minnesota offers an amendment. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. STEENERSON: At the end of the committee amendment insert "Provided, That the Secretary of War is hereby directed to dispose of said supplies at as early a date as possible in accordance with this resolution and the provisions of law applicable thereto."

Mr. KAHN. Mr. Chairman, I reserve a point of order on that. The CHAIRMAN. The gentleman from California reserves a point of order on the amendment.

Mr. STEENERSON. Mr. Chairman, I do not think a point of order is involved. This amendment authorizes the Secretary of War to sell at public or private sale, but it does not say when he shall do it, and this proviso simply adds that he shall do it at as early a date as practicable, in accordance with the provisions of the resolution, so that it can not be delayed indefinitely.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. STEENERSON. In a minute. The grievance that we have against the War Department is that they do not take action. They delay and keep these supplies on hand indefinitely until they deteriorate. There is nothing in this committee amendment that will make them act speedily, whereas my amendment simply says that they must do it at as early a date as practicable in compliance with the provisions of the resolution and the provisions of law applicable to such sale. That covers the case of the Marine Corps and the Red Cross, the provisions of existing law which have been referred to.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Vermont. Mr. GREENE of Vermont. The gentleman's amendment contains the words "as early as practicable," does it not?

Mr. STEENERSON. Yes.

Mr. GREENE of Vermont. And it leaves the War Department to determine how early that shall be?

Mr. STEENERSON. Yes.

Mr. GREENE of Vermont. Then what have you gained by adding those words?

Mr. STEENERSON. I have simply indicated that it is the desire of Congress to have speedy action. We have passed a resolution with reference to other supplies, and when we indicated that we wanted early action taken in regard to food supplies that had been on hand for months and were deteriorating, the War Department, in compliance with our action, put those food supplies on sale at once. If we indicate as a part of this committee amendment that we want early action, I believe it will influence the department to proceed to dispose of these things earlier than it would otherwise.

Mr. GREENE of Vermont. I admire the gentleman's faith.

The CHAIRMAN. Does the gentleman from California withdraw his point of order?

Mr. KAHN. Yes.

Mr. CANNON. Mr. Chairman, I should like to have some information about this whole matter. First I should like to know what these 6,000 sets of dental instruments are worth. Does anybody know? I am asking about the sets of dental instruments, not the dental supplies.

Mr. KAHN. I do not know. Dr. LAYTON, who introduced the resolution, probably knows what these outfits are worth.

Mr. LAYTON. The average cost to the Government of these 6,000 outfits, at \$1,500 apiece, is \$9,000,000.

Mr. KEARNS. Fifteen hundred dollars a set?

Mr. LAYTON. Yes.

Mr. CANNON. Precisely. Now, does anybody know what the supplies are worth? Does anybody know how much gold and how much platinum the Government has on hand in the form of dental supplies?

Mr. LAYTON. If the gentleman will excuse me, this bill has nothing at all to do with dental supplies. It is only dealing with dental outfits.

Mr. CANNON. The word "supplies" appears at line 15 in the amendment.

Here are \$9,000,000 worth of instruments that the Government owns, and that I apprehend it is not using. Now, somebody suggests that they are to go to the Red Cross. Can they go to the Red Cross under existing legislation? Who knows?

Mr. SANFORD. Yes.

Mr. CANNON. The Government could turn over the \$9,000,000 worth of these dental outfits to the Red Cross?

Mr. SANFORD. Yes.

Mr. CANNON. Can these instruments be transferred to the Public Health Service under existing law?

Mr. SANFORD. Yes.

Mr. CANNON. Now, is there \$9,000,000 or \$19,000,000 or \$29,000,000 worth of dental supplies besides the instruments? I do not know how many dentists there were in the service. Who does know?

Mr. LAYTON. There were 5,000.

Mr. CANNON. Five thousand went in, and they received the pay and they got their commissions. You say they sold their instruments. What did they get for them? I do not know. Who does know? We are spending the money and wasting the supplies that the Government does not need, and doing it like

drunken sailors. I do not know whether the Committee on Military Affairs had knowledge or not, but if the Army has the power to turn over \$9,000,000 worth of supplies to the Red Cross, presumably to go abroad, or to the Public Health Service, which spreads all over the country, to treat not only the servants of the Government but to treat people in civil life, I wish somebody who had the knowledge would give some information and offer some legislation that will enable the Government to realize on the supplies that it does not need.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired on this amendment.

Mr. KAHN. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. KAHN. This bill does not give anything to anybody. It provides for the sale of dental outfits and dental supplies, and, of course, it is reasonable to suppose that the department will sell them for the price that they cost the Government, or as near that price as it can.

Mr. LAYTON. In other words, this bill proposes to recoup the Government \$9,000,000?

Mr. KAHN. Yes.

Mr. LAYTON. If the facts here stated are correct, that these outfits are 6,000 in number and cost \$1,500 apiece, and this bill requires that they shall be sold at somewhere near what they cost the Government.

Mr. SANFORD. And give the soldiers the benefit of the opportunity.

Mr. CANNON. I want to ask another question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for how long?

Mr. CANNON. Five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Is there any danger of these supplies and other supplies being turned over to somebody else that we do not know anything about?

Mr. KAHN. Not under this bill.

Mr. CANNON. Does the committee anticipate reporting a bill providing that these supplies that are not needed by the Government shall be sold and the money covered into the Treasury?

Mr. SANFORD. That is what this bill does.

Mr. CANNON. That is as to these dental supplies?

Mr. KAHN. Well, Mr. Chairman, the surplus Government war supplies are being sold every day. They have a sales department up in the War Office, and they are selling off the surplus of their supplies every day of the week except Sunday, and I do not know but what they are doing business on Sunday. They are trying to get rid of these supplies by sale.

Mr. MacGREGOR. I would like to ask the chairman whether he knows anything about the \$100,000,000 worth of medical supplies that were given away by the War Department?

Mr. KAHN. They were given to the Red Cross under an act passed by Congress, and those supplies were in Europe; they were not supplies in this country.

Mr. BEE. A point of order, Mr. Chairman.

Mr. CANNON. When were they given away?

Mr. KAHN. As I recollect we passed a law on the subject—

Mr. CANNON. Since the armistice?

Mr. KAHN. Yes.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BEE. The gentleman from New York is not discussing anything before the House, but is making a partisan statement under the guise of speaking to the amendment.

The CHAIRMAN. The time of the gentleman has expired; all debate has been exhausted, and the question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. CONNALLY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 16, strike out the word "preferentially" and insert in lieu thereof the following: "first giving preference." After line 18 strike out the period, add a comma and the following: "and thereafter to other persons who are licensed dentists."

Mr. CONNALLY. Mr. Chairman, I am prompted to offer this amendment by the statement of the gentleman from New York [Mr. SANFORD] a little while ago that the only purpose of the bill was to authorize the sale of dental outfits to those who had been in the Army. As a matter of fact, I do not believe the language of the bill is susceptible of any such construction. But assuming that the gentleman from New York speaks with

authority, being a member of the committee; I think the House ought to make it entirely clear what the House means by this measure.

Mr. SANFORD. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. SANFORD. Does the gentleman think that the War Department ought to sell at private sale?

Mr. CONNALLY. Yes; I do, under proper regulations. I think the Secretary of War ought to be authorized to make sales to private persons under such rules and regulations as the Secretary of War is authorized to make in the bill. The Secretary could classify the instruments by regulation. He could put a standard price on the different articles and different pieces of equipment and let anybody who is a dentist purchase these articles from the War Department.

Referring to the suggestion of the gentleman from Illinois [Mr. CANNON] about the Government getting a fair price, allow me to say if the War Department sells these sets of equipment to dentists, to individual dentists, there will be no trouble in getting somewhere in the neighborhood of what the equipment is really worth. It is only when the Government or anybody else undertakes to sell a great bulk of goods to some dealer, who expects to turn around and retail the articles at an enormous profit, that the Government gets the worst of the sale.

I believe that not only dentists who have been in the Army, but civilian dentists, should have the right to purchase these supplies after those who were in the Army are supplied. We are not legislating alone for dentists who happened to be in the Army, but for the people of the United States, for civilians who need the outfits. Why should they not be allowed to go to the Government and buy surplus outfits over and above those needed for the Army and those officers discharged?

The Surgeon General does not seem to be excited about this.

The letter, dated September 20, already placed in the Record, discloses that fact.

That was one reason why I favored the adoption of the amendment of the gentleman from Delaware, because the Surgeon General's Office, according to the letter, has got to speculate on what Congress is going to do as to universal training or other action that we may take, saying that in view of what may happen it has no surplus supplies that it could dispose of.

So if the bill is so restricted, as the gentleman from New York says, the amendment should be adopted in order that preference shall be given to those who were in the Army and then to those who have a dental certificate, and then, if any equipment is left, to sell it to the trade. I want to say that the trade does not want the instruments sold. The wholesale dealers have sold to the Government all the available instruments and supplies at enormous prices, and they do not want them turned back, especially into private hands. If they are to be turned back at all, they would prefer that they should be turned over to the jobbers, who would save the Government the trouble of retailing them and, incidentally, collect an enormous profit. [Applause.]

Mr. LAYTON. I only asked the gentleman to yield the floor to me for the purpose of getting into the Record a report of the Federal Trade Commission on the very subject he is speaking about.

Mr. CONNALLY. Oh, the gentleman can put that in later. He can ask leave to extend his remarks. I have not seen it, and I would not care to take the responsibility for it.

Mr. LAYTON. I am so doubtful as to what extending remarks means and how far I can go within the last two weeks—

Mr. CONNALLY. Oh, the gentleman can put that in.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY. The practice on the gentleman's side of the House is such that he can get that in, I am sure.

Mr. LAYTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record for this purpose.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. SANFORD. Mr. Chairman, I desire to be frank and to say to the committee that it was and is my intention now that the provision of the committee amendment limit the Secretary of War, in making private sales, to selling only to soldier dentists. That, in my opinion, was the purpose of the committee and is the purpose of the amendment. I can not agree with the gentleman from Texas [Mr. CONNALLY] that the Secretary of War ought to be authorized or encouraged to sell millions of dollars worth of surplus property by private sale. I can not approve of that. I do not approve of that policy, for I

feel that all surplus property that is sold should be sold at the earliest possible moment, and that all public property, with these few exceptions, as in the case of these soldier dentists, should be sold at public sale, after due advertisement, and that all dealers and all citizens who contributed to the purchase of the property—and they all did contribute—should have an equal chance now to buy.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield for a question?

Mr. SANFORD. I yield to the gentleman.

Mr. CONNALLY. I will ask the gentleman if it is not a fact that food supplies are being sold by the War Department all over the country now at private sale. The gentleman approves of that, does he not? The gentleman from New York voted for that, did he not?

Mr. SANFORD. I hear the gentleman's question.

Mr. JONES of Texas rose.

Mr. SANFORD. I yield to the gentleman for a question.

Mr. CONNALLY. But the gentleman has not answered my question.

Mr. SANFORD. I will answer it in a moment.

Mr. JONES of Texas. I would ask the gentleman if he does not think the language of this amendment is clear, that they can sell to anyone, but preferentially to persons who served in the United States Army.

Mr. SANFORD. Whether there is any doubt about the meaning of the committee amendment, there is no doubt about my purpose. I would not authorize the War Department to sell these millions of dollars of public property at private sale. Not only would I not direct it but I would not authorize it. I disagree with persons who have that purpose in mind.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. No; because I find there is no purpose in yielding, as I have such a short time anyway that I can not make myself clear in the time I have.

Mr. OLNEY. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. No. In answer to the gentleman from Texas [Mr. CONNALLY] as to whether we are selling perishable foodstuffs at private sale, I can not say. I have no knowledge and I care for no knowledge on that subject. Of course, the Government should sell perishable foodstuffs or other foodstuffs if it wants to to all of the people in a manner that is understood by all of the people; but here is a matter where you have millions of dollars' worth of technical property desired by the profession and by the trade; and I think, with the exception that the committee amendment has in view, that this stuff should be sold only at public sale, and I think we will make a mistake when we go beyond that.

Mr. HUSTED. Mr. Chairman, will the gentleman now yield?

Mr. SANFORD. I yield to my colleague.

Mr. HUSTED. Has the Secretary of War unrestricted rights under existing law to sell these goods at public auction now?

Mr. SANFORD. It is my understanding that he has absolute right to sell all of this surplus material at public auction.

Mr. KAHN. And he is doing it every day.

Mr. SANFORD. And he is doing it as rapidly as he can. I think it is a good thing that he did not do it in this specific case until this matter was considered.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

Mr. WALSH. Mr. Chairman—

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes?

Mr. WALSH. Mr. Chairman, I rose to a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. What is the pending amendment?

The CHAIRMAN. The pending amendment is an amendment to the amendment offered by the gentleman from Texas [Mr. CONNALLY], and the question is on that amendment.

Mr. LAYTON. Mr. Chairman, I move to strike out the last two lines.

The CHAIRMAN. That motion is not in order at this time. The question is on agreeing to the amendment to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. KITCHIN. Mr. Chairman, I have an amendment, which I have sent to the desk, which I desire to offer.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KITCHIN: Page 2, line 15, after the word "supplies," insert "and surgical instruments."

Mr. KAHN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. What is the point of order?

Mr. KITCHIN. Will the gentleman reserve it just a moment?

Mr. KAHN. That it is not germane to the bill.

Mr. KITCHIN. Will the gentleman reserve his point of order?

Mr. KAHN. Yes.

Mr. KITCHIN. I admit, Mr. Chairman, it is subject to a point of order, because the entire bill is for disposition of surplus dental outfits. Well, my two friends from Texas suggest that it is not subject to a point of order because surgical instruments apply to dental supplies and are a part—

Mr. WALSH. Will the gentleman yield?

Mr. KITCHIN. For a question.

Mr. WALSH. The gentleman's contention is that they should be permitted to sell surgical instruments that might be used in conducting operations for appendicitis to the dentists—

Mr. KITCHIN. I have another amendment, if the gentleman will just wait. Of course, if this amendment is not subject to the point of order and should pass, then I desire to offer the following amendment: Strike out the period in line 18 and add "or medicine or surgery," so it would apply to surgeons and doctors and dentists and surgical instruments. I said a while ago I thought it might be subject to a point of order, according to the ruling of the distinguished chairman on certain other occasions with respect to bills, which I thought then was an erroneous ruling; but to be consistent, if a point of order is insisted on, I think the Chair would have to sustain it.

Mr. KAHN. I would say frankly—will the gentleman yield for a minute?

Mr. KITCHIN. I will.

Mr. KAHN. I have no objection to that kind of legislation, properly worded and properly introduced. If the gentleman is willing to introduce a bill of that kind, I will promise him we will try to get early action on it and report it out.

Mr. KITCHIN. I think all gentlemen can agree on this. If you will notice, my amendment does not interfere with medical supplies. It is only surgical instruments, and I have looked it over very carefully, and with the amendment I suggested I will offer if this should pass it simply gives the doctors and surgeons the identical privilege which you say you are willing to give to dentists. If doctors have left their offices and have gone to the Army under the same circumstances as the dentists, why should we not give them the right to purchase from the War Department the surgical instruments they may want to use just as the dentists?

Mr. LAYTON. If the gentleman will yield to me for a moment—

Mr. KITCHIN. I will.

Mr. LAYTON. I have no interest in this bill at all, though I introduced it in the beginning, because of the fact I see very plainly that this bill is not going to do the soldier dentists one particle of good. You are going to sell at public sale, and the combined dental manufacturers of the country will buy the whole shooting match and then charge what they please.

Mr. KITCHIN. The gentleman is mistaken; it is at public or private sale.

Mr. LAYTON. I thought your amendment—

Mr. KITCHIN. No; that is in the committee amendment.

Mr. LAYTON. How are they going to secure a private sale unless they advertise?

Mr. KITCHIN. No; "the Secretary of War is hereby authorized to sell at public or private sale under such rules and regulations," and so forth.

Mr. LAYTON. Individually?

Mr. KITCHIN. Yes. That covers the gentleman's case.

Mr. LAYTON. Then I will take it back.

Mr. KITCHIN. I can not see, to save my life, why the doctors, surgeons, and dentists of the country should not be treated alike when—

Mr. MONDELL. Mr. Chairman, the gentleman is not confining himself to the point of order.

Mr. KITCHIN. There is no point of order made, the gentleman reserved the point of order.

The CHAIRMAN. The gentleman is discussing his amendment under the reservation of the point of order.

Mr. MONDELL. Mr. Chairman, I assume the point of order is to be made, therefore I do not quite understand the object of taking up the time of the committee in discussing the merits of a matter that will not be considered.

Mr. KITCHIN. Just let me finish this.

Mr. MONDELL. I think it is entirely proper for the Committee on Military Affairs to take up this very matter—

Mr. KITCHIN. Would the majority leader permit me to give him one good Republican reason why surgical instruments for doctors should be left out of this bill, to be consistent with other legislation which you passed? That is all I wanted to say now, if you will permit me, the only Republican reason that can be given.

Mr. MONDELL. There is reason why everything should be left out of the bill except what is provided for.

Mr. SANFORD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KITCHIN. I admit according to the Chair's ruling heretofore on bills of this kind it is subject to the point of order, but I thought I could reason with the gentlemen and get them to withdraw it.

The CHAIRMAN. The question is on the committee amendment as amended. The gentleman from New York [Mr. PELL] has sent an amendment to the Clerk's desk of which the Chair did not know. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. PELL: Page 2, line 16, after the word "Army," insert the words "Navy, Marine Corps, and Red Cross."

Mr. SANFORD. We approve of that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PELL].

The question was taken, and the amendment was agreed to.

Mr. EMERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. EMERSON: Page 2, line 18, after the word "dentistry," insert "but not more than one set of dental supplies shall be sold at private sale to any one person."

Mr. PADGETT. Mr. Chairman, a point of order. There has been an amendment already adopted and agreed to by the committee adding some words at the end of the resolution, and the gentleman's amendment should be offered at the end of the resolution and not at the specific place mentioned in the bill.

The CHAIRMAN. The Chair is informed there has been no amendment offered at the end of the resolution.

Mr. PADGETT. Was not the amendment offered by the gentleman from New York [Mr. PELL] at the end?

The CHAIRMAN. It was not.

Mr. EMERSON. I ask for a vote on my amendment. I do not care to discuss it.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. EMERSON].

The question was taken, and the amendment was agreed to.

Mr. PELL and Mr. HICKS rose.

The CHAIRMAN. The gentleman from New York [Mr. HICKS] is recognized.

Mr. HICKS. Mr. Chairman, I have an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. HICKS], offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HICKS: After the words "Marine Corps," in Mr. PELL's amendment, add the words "Coast Guard."

Mr. HICKS. Mr. Chairman, the purpose of that is to make it entirely uniform.

Mr. KAHN. Does the gentleman know whether any dentists in the Coast Guard went into the service?

Mr. HICKS. The purpose of my amendment is to make the various branches of the service uniform. We have included the amendment of the gentleman from New York [Mr. PELL] as to the Marine Corps and the Navy, and this is merely another branch of the service—the Coast Guard.

Mr. BANKHEAD. Mr. Chairman, I want to call the attention of the gentleman from New York [Mr. PELL] to this—although it is merely a technical matter, but it might be important in pursuing this amendment—that his amendment provides for the "Red Cross." The name is "American Red Cross," and the amendment ought to be corrected.

Mr. PELL. Mr. Chairman, I ask unanimous consent that the name of the organization may be changed in my amendment to "the American Red Cross."

The CHAIRMAN. The gentleman from New York asks unanimous consent that the name may be changed to "the American Red Cross." Is there objection?

Mr. PELL. And following that it may be changed to read:

The American Red Cross and Public Health Service.

Mr. SANFORD. Will the gentleman yield? I did not realize it included the words "Red Cross." The Red Cross is already provided for by law and can receive these things as gifts. I thought the gentleman said "Marine Corps."

Mr. PELL. Only the men who served in these bodies—in the organizations themselves.

Mr. SANFORD. Very well.

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.

The question is on the amendment offered by the gentleman from New York [Mr. HICKS].

The question was taken, and the amendment was agreed to.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CONNALLY: Page 2, line 16, strike out the word "preferentially"; in line 18 strike out the period and insert a comma, and add the following: "and to other persons licensed to practice dentistry. Provided, That after the offer of sale of such dental supplies to persons licensed to practice dentistry, any surplus dental supplies remaining may be sold at public sale to the public or the trade."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken and the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. LAYTON. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LAYTON. On page 2, line 15, strike out the word "supplies" and insert the word "outfits."

Mr. SANFORD. We agree to that.

The CHAIRMAN. The gentleman from Delaware offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAYTON: Page 2, line 15, strike out the word "supplies" and insert in lieu thereof the word "outfits."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. How will the bill as amended, including the amendment of the gentleman from Ohio [Mr. EMERSON], now read?

The CHAIRMAN. Does the gentleman ask that it be reported?

Mr. WALSH. The Emerson proviso.

The CHAIRMAN. Without objection, the committee amendment as amended will now be reported.

The Clerk read as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That the Secretary of War is hereby authorized and directed to sell at public or private sale, under such rules and regulations as he may prescribe, all dental outfits in excess of the needs of the Government, preferentially to persons who served in the Army, Navy, Marine Corps, the American Red Cross, and Coast Guard of the United States during the recent war, and who were at the time of such sale licensed to practice dentistry, but not more than one set of dental supplies shall be sold at private sale to any one person."

Mr. LAYTON. Mr. Chairman, I think that inasmuch as the Committee of the Whole House on the state of the Union has cut out the word "supplies" elsewhere in the resolution, it ought to cut out the word "supplies" there and insert the word "outfits."

The CHAIRMAN. Does the gentleman from Delaware offer an amendment to that effect?

Mr. CALDWELL. Will not the gentleman ask unanimous consent that that be stricken out?

Mr. LAYTON. Yes; I do.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent that the word "supplies" be stricken out and that the word "outfits" be inserted in lieu thereof. Is there objection?

Mr. BANKHEAD. Reserving the right to object, Mr. Chairman, would it not be possible that some dentist might want to buy a partial outfit, and not an entire outfit, as signified by the amendment?

Mr. LAYTON. I submit, Mr. Chairman, that there is a vast difference between a dental "outfit" and "supplies." Supplies are changeable things.

Mr. BANKHEAD. What does the gentleman mean by a dental "outfit"?

Mr. LAYTON. A dental outfit consists of a dental engine and a chair and all sorts of instruments for filling teeth and pulling teeth, and it includes amalgams and fillings and other things known as "supplies."

Mr. BANKHEAD. Under that a man could not buy a part of an outfit without buying a whole outfit. I just wanted to raise that question, Mr. Chairman, because some impoverished dentist under existing conditions that we are seeking to correct

might desire simply to buy a dental chair, or a single set of dental instruments, or something of that kind.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. DOWELL. If the word "outfits" was inserted in lieu of the word "supplies," possibly only supplies could not be bought. This would enable the dentist to buy only an outfit. It occurs to me we ought to permit these sales of supplies also.

Mr. BANKHEAD. I think so. That is why I raised the question. Under the circumstances I object to unanimous consent.

The CHAIRMAN. Does the gentleman from Delaware move to strike out "supplies" and insert "outfits"? What is the gentleman's motion?

Mr. LAYTON. I move to strike out the word "supplies" and insert the word "outfits."

Mr. WALSH. I make the point of order against that amendment. Let us have the amendment again reported. I want to make the point of order against it when the amendment is reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. LAYTON moves to strike out the word "supplies" in the Emerson amendment and insert in lieu thereof the word "outfits."

Mr. WALSH. I make a point of order against that. This language has already been inserted in the bill, and the committee passed on to other amendments. It is not in order now to return to that and move to strike out.

The CHAIRMAN. The Chair sustains the point of order. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. The question is on agreeing to the resolution as amended.

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. KAHN. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 42, noes 9.

So the resolution as amended was agreed to.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the resolution back to the House with the amendment, with the recommendation that the amendment be agreed to and that the resolution as amended be passed.

The CHAIRMAN. The gentleman from California moves that the committee do now rise and report back the resolution to the House with the amendment, with the recommendation that the amendment be agreed to and that the resolution as amended be passed. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration House joint resolution 222, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution as amended.

The joint resolution as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. CONNALLY. Mr. Speaker, I move that the joint resolution be recommitted to the Committee on Military Affairs with instructions to report the same back forthwith with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas moves that the House joint resolution be recommitted to the Committee on Military Affairs with instructions to report the same back forthwith with an amendment. The Clerk will report the gentleman's motion.

The Clerk read as follows:

Mr. CONNALLY moves to recommit the House joint resolution to the Committee on Military Affairs, with instructions to that committee to report the same back forthwith, with the following amendment: Page 2, line 16, strike out the word "preferentially" and insert in lieu thereof the words "first giving preference," and after line 18 strike out the period, add a comma and the following: "and thereafter to other persons who are licensed dentists."

Mr. KAHN. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from California moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. CONNALLY. A division, Mr. Speaker.

The SPEAKER. The gentleman from Texas asks for a division.

The House divided; and there were—ayes 12, noes 49.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

The SPEAKER. Without objection, the title will be amended in accordance with the text.

There was no objection.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the Calendar Wednesday rule.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under Calendar Wednesday rule.

The question being taken, the Speaker declared that the yeas appeared to have it.

Mr. WALSH. If the Chair will permit, I think the Record should show that in the judgment of the Chair two-thirds voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman for the suggestion. Two-thirds having voted in the affirmative, further proceedings under the Calendar Wednesday rule are dispensed with.

#### ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the business in order on Monday, the Unanimous Consent Calendar and suspension of the rules, may be in order during the remainder of the day.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the balance of the day be devoted to business in order on Monday last. Is there objection?

Mr. KITCHIN. Reserving the right to object, does the gentleman have any intention of calling up anything where there is a proposition to suspend the rules?

Mr. BUTLER. There is one motion to suspend the rules on which the vote was ordered.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

#### CERTAIN ALLOWANCES TO OFFICERS OF THE NAVY.

The SPEAKER. On last suspension day the House had reached the stage of voting upon a joint resolution from the Naval Committee, which the Chair will ask the Clerk to report.

The Clerk read the title of House joint resolution 213, continuing temporarily certain allowances to officers of the Navy.

Mr. KRAUS. Mr. Speaker, let the joint resolution be read.

The Clerk read as follows:

Whereas since it now appears that peace will not have been declared by October 1, 1919, on which date officers of the Navy, by operation of law, will cease to receive the benefits prescribed in the act of April 16, 1918 (Public No. 229).

Whereas said benefits will accrue to officers of the Army until peace shall have been declared: Therefore be it

Resolved, etc., That the paragraph in the act of July 11, 1910 (Public No. 8), which reads as follows:

"The act of April 16, 1918 (Public No. 129), granting under certain conditions to every commissioned officer of the Army the right to quarters in kind for their dependents or the authorized commutation therefor, including the allowances for heat and light, shall hereafter be construed to apply to officers of the Navy and Marine Corps only during the period of the war and in no event beyond October 1, 1919," be, and the same is hereby, repealed.

Mr. WALSH. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WALSH. I think the gentleman from Wyoming [Mr. MONDELL] procured unanimous consent to take up business upon the Unanimous Consent Calendar.

The SPEAKER. No; the Chair thinks he asked for the consideration of business that was in order on Monday, unanimous-consent day.

Mr. WALSH. I misunderstood the gentleman's request.

Mr. PELL. Mr. Speaker, there is no class in this country which deserves better treatment from the Government than the officers of the Navy. They are now far above the average in capacity and in intelligence, inspired by a spirit and loyalty

that should be a model for all citizens. Their duty involves unflinching vigilance, arduous training, and great responsibility.

It is becoming a growing scandal that the men on whose efficiency we all rely in time of danger should be reduced almost to penury, and in many cases, at least, be forced to deny themselves all but the simplest pleasures and comforts.

The patriotic devotion of our naval officers has always been a great glory of this country; I sincerely hope that their martyrdom will not become our disgrace. We can not give them what they are worth; let us at least give them what they need.

Mr. KRAUS. By direction of the Committee on Naval Affairs, I request that Senate joint resolution 112 be substituted for the pending joint resolution, it having passed the Senate and being on the Speaker's table.

The SPEAKER. The gentleman from Indiana asks unanimous consent that Senate joint resolution 112, which has passed the Senate, be taken from the Speaker's table and substituted for the resolution pending. Is there objection?

Mr. WALSH. I object.

The SPEAKER. Objection is made. The question is on the passage of the joint resolution.

The question being taken, on a division there were—ayes 65, noes 6.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees. As many as are in favor of the passage of the joint resolution will, when their names are called, answer "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken, and there were—yeas 228, nays 4, answered "present" 2, not voting 198, as follows:

## YEAS—228.

Alexander	Dowell	Knutson	Reber
Almon	Dunbar	Kraus	Reed, W. Va.
Anderson	Echois	Lampert	Rhodes
Aswell	Edmonds	Lanham	Ricketts
Ayres	Elliott	Lankford	Robinson, N. C.
Bacharach	Emerson	Larsen	Romjue
Baer	Evans, Mont.	Layton	Rowe
Bankhead	Evans, Nebr.	Lazaro	Rubey
Barbour	Fairfield	Lee, Ga.	Sanford
Bee	Fisher	Luhling	Schall
Begg	Foster	McFadden	Scott
Benham	French	McLaughlin, Mich.	Sells
Black	Fuller, Mass.	McPherson	Shreve
Blackmon	Gallagher	MacCrato	Sinnott
Bland, Va.	Gard	MacGregor	Small
Blanton	Garrett	Madden	Smith, Idaho
Bowers	Glynn	Major	Smith, Ill.
Box	Goodwin, Ark.	Mann, S. C.	Smith, Mich.
Brand	Graham, Ill.	Mansfield	Smithwick
Briggs	Greene, Mass.	Mapes	Stoll
Brinson	Greene, Vt.	Martin	Steagall
Brooks, Ill.	Hadley	Mason	Stedman
Brooks, Pa.	Hardy, Colo.	Mays	Steele
Browne	Hardy, Tex.	Michener	Steenerson
Browning	Harrison	Miller	Stephens, Ohio
Buchanan	Hastings	Minahan, N. J.	Strong, Kans.
Burdick	Hayden	Monahan, Wis.	Summers, Wash.
Burke	Hays	Mondell	Summers, Tex.
Butler	Hedfin	Montague	Taylor, Colo.
Byrnes, S. C.	Hernandez	Moon	Taylor, Tenn.
Byrnes, Tenn.	Hersey	Morgan	Thompson
Caldwell	Hersman	Mott	Tillman
Campbell, Kans.	Hickey	Murphy	Tilson
Candler	Hicks	Neely	Timberlake
Cannon	Hoch	Nelson, Mo.	Towser
Caraway	Houghton	Nelson, Wis.	Upshaw
Carss	Howard	Newton, Minn.	Vaile
Chindblom	Hudspeth	Newton, Mo.	Venable
Christopherson	Hulings	Nichols, Mich.	Vinson
Clark, Fla.	Hull, Iowa	O'Connor	Volstead
Clark, Mo.	Hull, Tenn.	Oldfield	Walters
Classon	Humphreys	Oliver	Watson
Cleary	Husted	Osborne	Watson, Va.
Coady	Igoe	Overstreet	Weaver
Collier	Jacoway	Padgett	Whaley
Copley	James	Park	Wheeler
Crago	Jeffers	Parrish	White, Kans.
Cramton	Johnson, Miss.	Pell	Williams
Crisp	Johnson, Wash.	Purnell	Wilson, La.
Crowther	Juhl	Quin	Wilson, Pa.
Currie, Mich.	Kahn	Radcliffe	Wingo
Curry, Calif.	Kearns	Rainey, Ala.	Wood, Ind.
Darrow	Keller	Raker	Woods, Va.
Davis, Tenn.	Kiess	Ramseyer	Wright
Dent	King	Randall, Calif.	Young, N. Dak.
Dickinson, Mo.	Kitchin	Randall, Wis.	Young, Tex.
Dickinson, Iowa	Kleczka		

## NAYS—4.

Connally	Huddleston	Jones, Tex.	Walsh
ANSWERED "PRESENT"—2.			
Dupré		McKinley	

## NOT VOTING—198.

Ackerman	Focht	Longworth	Rowan
Andrews, Md.	Fordney	Luce	Rucker
Andrews, Nebr.	Frear	Lufkin	Sabath
Anthony	Freeman	McAndrews	Sanders, Ind.
Ashbrook	Fuller, Ill.	McArthur	Sanders, La.
Babka	Gallivan	McClintic	Sanders, N. Y.
Barkley	Gandy	McCulloch	Sanders, Va.
Bell	Ganly	McDuffie	Scully
Benson	Garland	McGlennon	Sears
Bland, Ind.	Garner	McKenzie	Sherwood
Bland, Mo.	Godwin, N. C.	McKeown	Siegel
Boles	Goldfogle	McKinley	Sims
Booher	Good	McLane	Sinclair
Britten	Goodall	McLaughlin, Nebr.	Sisson
Brumbaugh	Goodykoontz	Magee	Slemp
Burroughs	Gould	Maher	Smith, N. Y.
Campbell, Pa.	Graham, Pa.	Mann, Ill.	Snell
Cantrill	Green, Iowa	Mead	Snyder
Carew	Griest	Merritt	Stephens, Miss.
Carter	Griffin	Mooney	Stevenson
Casey	Hamill	Moore, Ohio	Stinson
Cole	Hamilton	Moore, Pa.	Strong, Pa.
Cooper	Haskell	Moore, Va.	Sullivan
Costello	Haugen	Moore, Ind.	Sweet
Cullen	Hawley	Morin	Swope
Dale	Hill	Mudd	Tague
Dallinger	Holland	Nicholls, S. C.	Taylor, Ark.
Davey	Hutchinson	Nolan	Temple
Davis, Minn.	Ireland	O'Connell	Thomas
Dempsey	Johnson, Ky.	Ogden	Tincher
Denison	Johnson, S. Dak.	Paige	Tinkham
Dewalt	Johnston, N. Y.	Parker	Trendway
Dominick	Jones, Pa.	Peters	Vare
Donovan	Kelley, Mich.	Phelan	Vestal
Dooley	Kelly, Pa.	Platt	Voigt
Doremus	Kendall	Porter	Ward
Doughton	Kennedy, Iowa	Pou	Watson, Pa.
Drane	Kennedy, R. I.	Rainey, H. T.	Webb
Dunn	Kettner	Rainey, J. W.	Webster
Dyer	Kincheloe	Ramsey	Welling
Eagan	Kinkaid	Rayburn	Welty
Eagle	Kreider	Reavis	White, Mo.
Ellsworth	LaGuardia	Reed, N. Y.	Wilson, Ill.
Elston	Langley	Riddick	Winslow
Esch	Lea, Calif.	Riordan	Wise
Evans, Nev.	Leibach	Rolsion, Ky.	Woodyard
Ferris	Leshner	Rodenberg	Yates
Fess	Lithicum	Rogers	Zihlman
Fields	Little	Rose	
Flood	Loneragan	Rouse	

So, two-thirds having voted in favor thereof, the rules were suspended, and the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. YATES with Mr. BARKLEY.

Mr. WEBSTER with Mr. LEA of California.

Mr. TEMPLE with Mr. MCGLENNON.

Mr. SWOPE with Mr. PAIGE.

Mr. MCKENZIE with Mr. RAYBURN.

Mr. KENNEDY of Rhode Island with Mr. RUCKER.

Mr. KENNEDY of Iowa with Mr. SANDERS of Louisiana.

Mr. JEFFERIS with Mr. WELLING.

Mr. HICKS with Mr. BELL.

Mr. HAMILTON with Mr. CAMPBELL of Pennsylvania.

Mr. GRIEST with Mr. CASEY.

Mr. FREAR with Mr. DONOVAN.

Mr. ELSTON with Mr. GODWIN of North Carolina.

Mr. ELLSWORTH with Mr. NICHOLLS of South Carolina.

Mr. DYER with Mr. STEPHENS of Mississippi.

Mr. DENISON with Mr. STEVENSON.

Mr. COSTELLO with Mr. TAYLOR of Arkansas.

Mr. BRITTEN with Mr. WHALEY.

Mr. WHITE of Maine with Mr. DEWALT.

Mr. WATSON of Pennsylvania with Mr. BLAND of Missouri.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

## RETURN OF THE BODIES OF DEAD SOLDIERS.

Mr. NICHOLS of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of House concurrent resolution 36.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the immediate consideration of the resolution which the Clerk will report.

## House concurrent resolution 36.

The Clerk read as follows:

Whereas the steamship *Lake Daraga* is expected to arrive in New York on or about November 9, bearing the first bodies of American soldiers from the fields of the World War; and

Whereas it is proper and fitting that due recognition be given to the return to our shores of the mortal remains of those men who gave their lives for the cause of freedom: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a committee of six Members of the House of Representatives, to be selected by the Speaker, and six Members of the Senate, to be selected by the President of the Senate, be appointed to represent the Congress

at such appropriate ceremonies at the port of New York as may be determined upon as proper and appropriate.

That the expenses of the said committee and of the ceremonies arranged by it shall be paid one-half out of the contingent fund of the House and one-half out of the contingent fund of the Senate, on vouchers to be signed by the chairmen of the House and Senate committees, respectively.

The SPEAKER. Is there objection?

Mr. GARRETT. Reserving the right to object, let me ask the gentleman, is it the thought that this shall become a regular function?

Mr. NICHOLS of Michigan. No; the resolution states that these are the first bodies officially to be returned to this country.

Mr. GARRETT. I understand that. Is it the gentleman's thought that we shall continue this thing in the future; and if not, why not?

Mr. NICHOLS of Michigan. My thought is this, I will say to the gentleman, that this country should not allow the dead to be dumped on the dock in New York City or anywhere else unnoticed.

Mr. GARRETT. But that will be true of those returned in the future.

Mr. NICHOLS of Michigan. It is particularly true of the first bodies to be brought home.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. MADDEN. Will the gentleman yield to me?

Mr. NICHOLS of Michigan. I do.

Mr. MADDEN. I want to call the attention of the House to the fact that when the first bodies that were brought home dead from the Mexican expedition the President of the United States went to New York and headed the committee that held the ceremonies there. If that was proper then it is certainly proper now. I hope nobody in the House will object.

Mr. CRAMTON. Will the gentleman yield?

Mr. NICHOLS of Michigan. I will.

Mr. CRAMTON. I take it that this was the thought of my colleague that inasmuch as it would not be possible for a committee of Congress to meet each ship that might return with our dead from abroad, the feeling was that there should be some recognition by Congress of the return of these dead heroes from over the seas and that the proper time for Congress to arrange exercises and for Congress on behalf of the country to pay homage would be now when the first ship does arrive. I take it that this was the thought of my colleague, which, I am sure, we all share.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. NICHOLS of Michigan. I will.

Mr. JOHNSON of Washington. How many bodies are coming and from what country are they from?

Mr. NICHOLS of Michigan. I am informed by the War Department that there are 111 bodies from North Russia—dead American soldiers.

Mr. BLANTON. Will the gentleman yield?

Mr. NICHOLS of Michigan. Yes.

Mr. BLANTON. This is the return of 111 bodies from Russia when we know that there are about 75,000 of them in France yet to be returned, and whose return we know not whether it will ever be consummated. Does the gentleman believe that these dead soldiers, were they alive, or their families now, would want Congress to spend a great amount of money on a junketing trip at this particular time on this particular occasion?

Mr. NICHOLS of Michigan. Does the gentleman want an answer?

Mr. BLANTON. Yes.

Mr. NICHOLS of Michigan. I do not think the gentleman means to use the expression "junketing trip" on an occasion of this kind.

Mr. BLANTON. We have had junketing trips at funerals.

Mr. NICHOLS of Michigan. If the gentleman feels that the war was a junket, he is entitled to that opinion.

Mr. BLANTON. But the war is now over.

Mr. NICHOLS of Michigan. And the dead are coming home.

Mr. BLANTON. I would be in favor of doing something to bring the dead in France back home.

Mr. NICHOLS of Michigan. That has nothing to do with this. This is consummated.

Mr. BLANTON. Mr. Speaker, I object.

#### UNANIMOUS CONSENT CALENDAR.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

The Clerk read as follows:

An act (S. 183) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.

Mr. BLANTON. Mr. Speaker, I withdraw the objection I made a moment ago.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent that the bill just reported go over for the day, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

#### RETURN OF BODIES OF AMERICAN SOLDIERS.

Mr. NICHOLS of Michigan. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the present consideration of House concurrent resolution 36?

Mr. GARD. Mr. Speaker, reserving the right to object, I desire to submit a parliamentary inquiry. Was it not the purpose of the gentleman from Wyoming [Mr. MONDELL] to take up the Calendar for Unanimous Consent?

The SPEAKER. The Chair had directed the calling of the first bill upon the Calendar for Unanimous Consent, and at the request of the gentleman from Montana [Mr. EVANS] the bill first called was ordered to go over without prejudice. Is there objection to the request of the gentleman from Michigan?

Mr. CONNALLY. Mr. Speaker, reserving the right to object, has this resolution been referred to a committee and acted upon by it?

Mr. NICHOLS of Michigan. It has not.

Mr. CONNALLY. I do not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. NICHOLS of Michigan. Mr. Speaker, I ask the House to indulge me for a few brief words. The resolution which I offer proposes to recognize one of the most solemn occasions in the history of this country. Within a few days a boat will arrive in New York laden with over 100 of the bodies of dead American soldiers who gave up their lives in the greatest of all wars. These are the first of the Nation's dead in that Great War to be brought home. We have acclaimed and received with triumphant marches and joyous celebrations the return to our bosom of the living heroes of that war. I believe we should now reverently and humbly honor our dead. [Applause.] I have only this to add, that these dead, too, won the war.

Mr. PELL. Mr. Speaker, it is only right and fitting that the Congress of the United States should do honor to these dead. They are the first of a great number to be returned to lie in the land they died to save. This is a proper time for us to show our respect, our sorrow, and our pride.

The landing of these bodies should be the occasion of a solemn searching of hearts by all Americans. We must keep this country for which they died worthy of their sacrifice and ourselves hold cheap the rewards of wealth or political place in the cause for which these boys gave their lives.

Mr. NICHOLS of Michigan. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### EXTENSION OF REMARKS.

Mr. PELL. Mr. Speaker, I ask unanimous consent to extend my remarks upon the resolution just agreed to and upon the naval bill just passed.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

#### TITLE TO CERTAIN HOMESTEAD LANDS IN HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 546) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii and to issue land patents to those eligible under the terms of said agreements.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would ask the gentleman from Virginia [Mr. WATSON] how many tracts of land and how many people are affected by this legislation?

Mr. WATSON of Virginia. Mr. Speaker, the total acreage involved in this bill comprises some 524 acres, in perhaps 33 different tracts or parcels. There are 26 individuals interested in these land titles. The trouble has arisen here on account of a mistake made by the land commissioner in the Territory of Hawaii. These 26 individuals some years ago were permitted

to apply for and to hold and take possession of these tracts of land. After they had occupied these tracts of land, on account of the mistake of the law, because of the land commissioner of the Territory, they were permitted to withdraw their application for these several parcels that they had so taken up and to apply for other tracts of land. The act of Congress of 1908, I think, and 1910 provided that no one who had once applied for and taken up a tract of land should be permitted to apply for or take up another tract or to have a patent issued to him for another tract. The land officer of the Territory allowed this to be done on the part of each individual because of his ignorance of the act of Congress relating to that subject. Of these 26 people, 6 have complied with all the provisions of the statute and have taken possession of and occupied the land in question and have had the patents actually issued to them. Two of them have complied with all of the provisions of the law and are entitled to have patents issued to them. The remainder, 18 in number, are in different stages of having complied with the law on the subject, and perhaps by this time most of them have complied with all of the legal requirements.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. WALSH. Of course these persons acquired this land contrary to the provisions of law, did they not?

Mr. WATSON of Virginia. In the first instance, they did not. When they exchanged the land they had in the first instance and were permitted to take up other tracts of land, by the advice and consent of the land commissioner of the Territory, they were acting ultra vires.

Now, there is no question, I will say to the gentleman, as to the good faith of these individuals; there is no question as to the mistake of the law certified by the local land commissioner.

Mr. WALSH. Well, was it not more than a mistake on the part of the local land commissioner?

Mr. WATSON of Virginia. There is no evidence in the case, I will say to the gentleman, that there was anything but a mistake of law committed by the land commissioner. From reading the act of Congress I do not see how he could have very well committed the mistake, but if you take the act of Congress now and undertake to construe it in the light of what has transpired in these cases, I think the gentleman, like myself, would reach the conclusion that the local land officer made a mistake in the law on this subject of the exchange of one body of land for others. The question of the bona fide of the transaction is beyond dispute. I want to say to the gentleman further that this bill, or an identical bill, passed the Senate in the last Congress, was reported favorably from a committee of this House, and was ready to be passed in this House just before we adjourned at the last session. The Territorial Legislature for Hawaii has asked for the passage of this legislation. The governor of the Territory has memorialized Congress asking that this be passed. The Secretary of the Interior has asked that it be passed, and I am satisfied there is no harm done to anyone, and that these people are entitled to relief. I hope the gentleman will raise no objection.

Mr. WALSH. I withdraw the objection.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. WATSON of Virginia. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 546) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements.

Be it enacted, etc., That the governor of the Territory of Hawaii is hereby authorized and directed to ratify and carry into effect the agreements made by the commissioner of public lands of the Territory of Hawaii with certain homesteaders, referred to in the resolution adopted by the senate and house of representatives of the Territory of Hawaii, April 26, 1917; also to issue land patents to those living up to the terms of the agreements when same have been completed; also to issue land patents to those who have already complied with all the terms of their agreements, and to ratify and confirm the land patents already issued to homesteaders in accordance with the provisions of the resolution of the senate and house of representatives, Territory of Hawaii, of April 26, 1917, above mentioned.

Sec. 2. The governor shall report to the Secretary of the Interior the action taken by him hereunder.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WATSON of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

# MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—HARRY GRAHAM.

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

TO THE HOUSE OF REPRESENTATIVES:

I return herewith without my approval H. R. 8272, entitled "An act to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry." I am constrained to take this action for the reasons set forth in the accompanying letter from the Secretary of War.

WOODROW WILSON.

THE WHITE HOUSE,

5 November, 1919.

Mr. CLARK of Missouri. Mr. Speaker, is there any objection to having the letter read?

Mr. KAHN. Mr. Speaker, I think the letter is part of the veto message.

The SPEAKER. The Chair thinks not.

Mr. KAHN. Mr. Speaker, I move to refer the veto message to the Committee on Military Affairs.

Mr. WINGO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Mr. Speaker, the President gives as his reasons for his veto the accompanying letter. The letter accompanies the message and manifestly it is part of the veto, and I think the House should have the benefit of it.

The SPEAKER. If the House wants it, of course, it will undoubtedly give unanimous consent to have the letter read, but the Chair does not think it is. I think the gentleman will recall that very often documents are sent down—

Mr. WINGO. That is where the accompanying documents do not go to the substance of the proposition. But here the President gives his reasons set out in the letter and the House will have no knowledge of the reasons for the President's veto without a reading of the letter to which he refers.

The SPEAKER. Of course, the President could have made it a part of his veto if he wished, but he did not, and the Chair does not think it is a part of the message.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. If the letter is not part of the veto message, what reasons has the President given for refusing to approve the bill, and how does the House know?

The SPEAKER. Of course, the House does not know until the letter is read.

Mr. WALSH. Then I submit there is grave doubt whether this veto message is in proper form.

Mr. WINGO. If the Speaker will allow me to suggest this, the letter does not come in the ordinary category of accompanying documents. It is part of the document itself. The document is the President's veto, and he says that he vetoes this bill for the reasons which are expressed in the letter attached and it is attached solely for the purpose of convenience and to save repetition in his message. And I submit to the Speaker—

The SPEAKER. The Chair agrees entirely to that, and of course the House before acting on the measure will undoubtedly wish to hear the letter. The Chair understood the gentleman from California simply wishes to refer the whole matter to the Committee on Military Affairs, which might simply save the time of reading it. The Chair does not think it is part of the message itself.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that it may be read.

Mr. CLARK of Missouri. Mr. Speaker, evidently and clearly the letter is a part of the veto message. Of course, we have time to-day and will have other days, but suppose that this was the 3d of March at this time in the day, and the House wanted to vote on the veto? They would not want to vote on it without this letter, which is the foundation of the veto message.

The SPEAKER. Evidently not.

Mr. WALSH. The section of the Constitution reads as follows:

If he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.

In view of that, does the Chair hold that the letter of the Secretary of War will be entered upon the Journal of the House?

The SPEAKER. The Chair would say not.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. How are you going to extend from the record to the House his reasons unless you print the reasons he gives, which he says are contained in this document which he sends to the House?

The SPEAKER. The Chair thinks that is a matter for the President to decide. The President in his message could have inserted the letter of the Secretary.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the letter be read.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the letter be read. Is there objection? [After a pause.] The Chair hears none.

The letter was read, as follows:

WAR DEPARTMENT,  
Washington, November 3, 1919.

THE PRESIDENT,  
The White House.

DEAR MR. PRESIDENT: I return herewith the act of Congress authorizing the restoration of Harry Graham, captain of Infantry, to his former position on the lineal list of captains of Infantry, referred to me for statement of objections, if any, to its approval.

Capt. Graham was dismissed from the service January 16, 1917, by reason of sentence of a general court-martial. He was found guilty of making a false official statement in connection with his work as a student officer in the Army School of the Line, at Fort Leavenworth, Kans., in May, 1916.

Capt. Graham was appointed a captain (temporary) in the Signal Corps February 4, 1918, upon the recommendation of the Chief Signal Officer of the Army, and by the act of February 18, 1918, he was restored to duty as a captain of Infantry of the Regular Army at the foot of the lineal list of captains.

The original bill provided for Capt. Graham's restoration to his former place in the lineal list, but upon the recommendation of the Committee on Military Affairs, House of Representatives (Rept. 226, 65th Cong., 2d sess.), this was amended so as to place him at the foot of the lineal list of captains of Infantry.

On August 28, 1918, Capt. Graham requested that the War Department introduce a bill in Congress to restore him to his former position. This application was disapproved by me, yet Capt. Graham apparently has succeeded in having such a bill introduced, and it was passed, without asking the War Department for its views on the question.

Capt. Graham was found guilty of conduct unbecoming an officer and a gentleman by a competent court. To restore him to his former position would be practically a pardon, and an injustice to those officers who served honorably and faithfully during the time Capt. Graham was out of the service, and, furthermore, would acquiesce in his action in securing the passage of this bill over the disapproval of the War Department of his request for the introduction of such a bill.

Accordingly I recommend that this act be disapproved.

Very sincerely,

NEWTON D. BAKER,  
Secretary of War.

The SPEAKER. The gentleman from California [Mr. KAHN] moves that the message be referred to the Committee on Military Affairs. The question is on the motion of the gentleman from California.

The motion was agreed to.

PUBLIC BUILDING, SANTA FE, N. MEX.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The next business on the Calendar for Unanimous Consent was the bill (S. 681) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes."

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I think the bill is so important and covering such a wide range of activities as to probably involve the expenditure of a large amount of money that I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

Mr. WALSH. It is only for a public building in one place.

Mr. MADDEN. Mr. Speaker, I withhold my objection, then.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. BLACK. Let the bill be read.

The SPEAKER. Does the gentleman from Ohio [Mr. THOMPSON] wish to be heard?

Mr. THOMPSON. I wish to make a statement.

Mr. BLANTON. Mr. Speaker—

The SPEAKER. Objection is reserved. The gentleman's rights will be protected.

Mr. THOMPSON. I think I can make this clear to the House. I would like to have the bill read first.

The Clerk read as follows:

Be it enacted, etc., That so much of the act of Congress approved March 4, 1913 (37 Stat., p. 875), as authorized the erection of a building for the accommodation of the post office and United States courts at Santa Fe, N. Mex., be, and the same is hereby, amended so as to

require that said building shall be for the accommodation of the post office and other governmental offices, exclusive of the United States courts.

The SPEAKER. The gentleman from Ohio [Mr. THOMPSON] is recognized. Does the gentleman wish to make a statement.

Mr. THOMPSON. If there is no objection to the bill; no.

The SPEAKER. Objection has been reserved.

Mr. BLANTON. If I may ask the gentleman a question, I may withdraw the reservation.

Mr. THOMPSON. All right.

Mr. BLANTON. As I understand the bill, it is to segregate the offices heretofore authorized to be conducted in the building used as a courthouse and post office, or is it to combine both in one building?

Mr. THOMPSON. It is not to combine, but to segregate.

Mr. BLANTON. In other words, the original act states that a certain building shall be erected for the joint use of the post office and the courthouse. Is not that true?

Mr. HERNANDEZ. Yes.

Mr. BLANTON. And this is to have two buildings instead of one?

Mr. HERNANDEZ. Yes. To eliminate the courthouse.

Mr. BLANTON. And have just the Federal court at that place?

Mr. HERNANDEZ. Yes.

Mr. BLANTON. Why could not the two be combined, as has been done in numerous instances all over the United States?

Mr. HERNANDEZ. The courthouse was built about 30 years ago.

Mr. BLANTON. In other words, if this bill is passed, it would require two buildings in a small place when one building would probably suffice. Is not that the case?

Mr. HERNANDEZ. I will let the gentleman from Ohio make a statement.

Mr. THOMPSON. Mr. Speaker, before discussing the merits of this bill it is my purpose to make a few general remarks concerning the city which this bill affects, namely, the city of Santa Fe, the capital of the Sunshine State of New Mexico. I visited there in March, 1916, and know from first-hand information something about the city—its history, its population, its topography, and its public buildings, ancient and modern, and about which I will tell you. I stood in the old Spanish plaza of Santa Fe, with its monuments, and watched the descendants of Conquistadores bringing pinyon firewood to town on backs of burros; watched the Indians carrying their pottery, the squaws with the papooses on their backs; watched the incoming schooners of land seekers; the devout on their way to the cathedral; the globe-trotter from all parts of the earth mingled in the throngs; and even then I did not gain a vision of more than a small sector of Santa Fe's charms. The city was important three centuries ago, before New York, Philadelphia, or Washington was thought of and before the Pilgrims landed at Plymouth Rock. The city occupies a plain rimmed by mountains, whose peaks, snow covered, tower 10,000 and 13,000 feet. The altitude of the plain is 7,000 feet, considerably more than a mile higher than the city of Washington. Santa Fe is quaint, historic, with many attractions that are scenic, ethnological, historic, and prehistoric. It occupies a region where archaeology is caught alive, as it were, because in the country round about are Pueblo Indians, who are town or community builders, and from them—their habits and customs—the experts of archaeology trace the history, customs, and so forth, of the cliff dwellers, and are just beginning to bring to light much about the mound builders.

Thirty-seven miles north of Santa Fe is a prehistoric mound, which not long ago, having been excavated, disclosed from 1,200 to 1,700 rooms made and conditioned similar to those of the cliff dwellers and the present Pueblo Indians. This might be interesting to our United States Housing Corporation relative to community or apartment houses in our great cities. Such edifices with from 1,200 to 1,700 rooms are unknown, or, at best, rarities. Yet it is now known that present-day Pueblo Indians, cliff dwellers of long ago, and prehistoric races, all were community dwellers.

One of the interesting buildings at Santa Fe is the old palace of the governors, and from this building for 300 years Spain ruled a large part of North America now a part of the United States. In that building I was shown an old Spanish map, which disclosed that prior to 1846 Spanish civilization ruled as its territory Arizona, Colorado, a part of Wyoming, part of Montana, part of Texas, part of Kansas, and part of Oklahoma. The building is 1-story adobe, with walls 5 feet thick to withstand siege, occupying the entire north side of the beautiful plaza in the heart of the city. It was built in 1606—313 years ago—by Juan de Onate, who was the great grandson of Monte-

zuma, the Aztec emperor of ancient Mexico, and the grandson of Hernando Cortez, the Spanish conqueror who subdued and took over the Aztec or Indian civilization of Mexico and, with the sword in one hand and the cross in the other, substituted Spanish civilization. The El Palacio, as the building is termed in Spanish, was originally designed for a palace, castle, and fortress. Its vicissitudes during more than three centuries, under Spanish, Indian, Mexican, and American rule, formed a most dramatic and thrilling chapter in the story of the Nation. Its history for many years was the history of a domain more extensive than the late German Empire. For three centuries it was not only the seat of government but also the home of captains general and governors, their retainers and families, and from time to time it housed the dungeon, the jail, the post office, the legislature, the supreme court, the Territorial secretary and family, the Territorial law library, and law offices. On every page of the history of the venerable edifice one finds romance, stirring incidents, and important episodes, in which the figures of Spanish conquerors and Franciscan monks, Indian chieftains and American adventurers, soldiers, statesmen, authors, scientists, and dainty society ladies step into the spotlights, to vanish again as Father Time, grim and inexorable, swings his scythe.

The population of the city of Santa Fe at present is about 10,000, of which about two-thirds are Spanish. The postal receipts of the Santa Fe post office for the year ending June 30, 1918, were \$35,765.79. The report of the postmaster's receipts beginning July 1, 1918, and up to March 31, 1919, were \$49,428.66. The Scottish Rite Masons have a half-million-dollar cathedral built on the Moorish style of architecture, the building being a reproduction in part of the Alhambra. And "alhambra" is a Moorish word meaning red, and the building is built out of red material or granite. Near it stands the United States Government building, imposing and massive, in front of which towers a monument bearing the following inscription:

KIT CARSON  
Died May 23, 1868; age, 50 years.  
He led the way.  
Pioneer, Pathfinder, and Soldier.  
Erected by comrades of the Grand Army of the Republic.

A quaint old building is the old adobe San Miguel Church, believed to be the oldest church building in the United States, still used for evening vespers. It was built in 1541 and is 24 years older than the settlement of St. Augustine, Fla., and 79 years older than the settlement at Plymouth Rock. It also has a bell which weighs 780 pounds and was cast in Spain in 1356 and is 560 years old and has a beautiful musical tone. When I visited there an attendant permitted me to ring the bell, who said I was almost as enthusiastic over it as Theodore Roosevelt, who visited the same spot during his first Presidency. When I asked the attendant what Teddy had said about it, he replied, "Oh, it is a bully bell."

Tourists who visit the historic Southwest of the United States should not fail to visit Santa Fe and the Archaeological Society of New Mexico, located in the old El Palacio.

In the State of New Mexico there are approximately 20,000,000 acres of land subject to entry and 10,000,000 additional of forestry lands, and, of course, the land office will require considerable space in the proposed new Federal building. The land office is both a registry and receiving office, and its authority will ultimately extend over the entire State.

Mr. Speaker, I will explain the bill.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. Let me make my explanation first. Mr. Speaker, on March 4, 1913, Congress passed an act authorizing the erection of a Federal building at Santa Fe, N. Mex., to cost \$295,000. The site has been purchased, and out of the sum legislated there remains \$274,500, from which the sundry civil bill set aside and appropriated and made available \$150,000. Senate bill 681, which we are asking the House to pass to-day, is intended to amend the act of March 4, 1913, which authorized the construction of a building for the accommodation of the post office and the United States courts at Santa Fe. This amendment embodied in Senate bill 681 proposes that the building to be built at Santa Fe be constructed for the accommodation of the post office and other governmental offices exclusive of the United States court.

The legislation proposed to-day is based upon a communication from the Department of Justice, dated February 19, 1918, in which the following paragraph from the United States marshal is quoted: "Court officials will not require any space in the new Federal building at Santa Fe, provided practically all of the present Federal building is assigned to the use of the Department of Justice officials. Judge Neblett and all other court officials are of the opinion that it would be better to use the present Federal building for court purposes than to have space provided in the new building."

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. In a minute.

The action of the Department of Justice has been approved by the Treasury Department, and the Committee on Public Buildings and Grounds offer this bill in order to amend the act of March 4, 1913, so construction of a new building may be at once commenced at Santa Fe to house the various branches of the Government, as follows:

	Square feet.	Rent.
Post Office.....	3,350	\$1,800
Internal Revenue.....	300	
General Land Office.....	6,100	2,400
Department of Labor.....	480	425
Department of Agriculture:		
States Relation Service.....	550	
Weather Bureau.....	1,600	780
Forest Service.....	1,936	1,701
Civil Service Commission.....	1,000	
	15,316	7,109

Because of the large increase in the cost of labor and material, the Treasury Department has estimated that it would cost \$534,600 to construct an adequate building having 16,500 square feet ground area to properly house all the Government offices, including the United States district court.

If this bill is passed to-day, it will permit the Treasury Department to at once proceed with construction of a building suitable to house all offices aside from the courts and save the Government approximately \$240,000. In other words, by the passage of this amendment, suitable buildings will be provided at Santa Fe to not exceed the amount of \$295,000, ground and all, authorized in the act of March 4, 1913.

The proposed new Federal building will be a good building and in keeping with such buildings usually erected at State capitals. It should not be the policy of the Government to erect cheap buildings at State capitals. Santa Fe has a new State House costing \$1,250,000. At present it is costing the Government \$550 a month, or, \$6,600 per year, in rentals for outside space, light, and fuel for the Post Office, Forestry Service, Weather Bureau, Internal Revenue, Department of Labor, States Relations Service, and Civil Service Commission. The present Federal building at Santa Fe does not meet the demands, and all these departments of the Federal Government are now housed in rented buildings. The present Federal building at Santa Fe has long since ceased to provide space enough, hence the necessity of an additional building at an early date.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question or two?

The SPEAKER. Does the gentleman from Ohio yield?

Mr. BLANTON. Will the gentleman yield for a question or two?

Mr. THOMPSON. Yes.

Mr. BLANTON. The present building that is being used by the United States Court is a rented building, is it not?

Mr. THOMPSON. No; it is a Federal building. I would like to give the gentleman some information if he will permit me.

Mr. BLANTON. It is owned by the Government of the United States?

Mr. THOMPSON. Yes.

Mr. BLANTON. And there is no rental paid for it?

Mr. THOMPSON. None.

Mr. BLANTON. But the gentleman says there are various other buildings rented, by the Department of Agriculture, the Department of Labor—

Mr. THOMPSON. And the Post Office.

Mr. BLANTON. The Post Office and various other offices, for which rental is paid?

Mr. THOMPSON. For outside buildings, there being no room in the present Federal building at Santa Fe.

Mr. BLANTON. The rental paid is less than one-half of 1 per cent interest on the building proposed now; is it not? I want to get this information for my own benefit. Is not the rental that is now paid about 1 per cent interest on the cost of the building which it is proposed to construct?

Mr. THOMPSON. This money has already been appropriated.

Mr. BLANTON. But the rental is not over 1 per cent interest, which would make a very small rental, indeed. Now, in the present circumstances, when everything is out of all proportion to normal conditions, would it not be better for us to wait 6 months or 12 months until we get back to normal, and then construct a building on a proper basis, that would house all of these Government institutions? Would it not be better to do that than to build this building now, and then

later on have Congress asked to appropriate a great big sum for a new Federal building?

Mr. HERNANDEZ. The courts already have the building which they occupy.

Mr. BLANTON. But it is a small building that is inadequate for any of these other uses.

Mr. THOMPSON. Let me state what the present Government building is, if the gentleman would like the information.

Mr. BLANTON. Mr. Speaker, I am constrained to object.

The SPEAKER. Objection is made.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that this bill be placed at the foot of the calendar.

The SPEAKER. The gentleman from Ohio asks unanimous consent that this bill be placed at the foot of the calendar. Is there objection?

Mr. KEARNS. Mr. Speaker, reserving the right to object—

Mr. BLANTON. Mr. Speaker, upon the insistence of some of my colleagues I withdraw the objection.

Mr. KEARNS. Mr. Speaker, reserving the right to object—

Mr. THOMPSON. The objection has been withdrawn.

Mr. KEARNS. Yes; but I am reserving the right to object. I want to know how many of these bills the Public Buildings Committee are considering?

Mr. THOMPSON. How many bills like this?

Mr. KEARNS. Yes.

Mr. THOMPSON. One other.

Mr. KEARNS. You have just gone over the country and selected certain places where you are going to put up buildings. Is that it?

Mr. THOMPSON. Oh, no. This is not a new building. This is to amend the act, so that they can go ahead with the work without increased cost to the Government.

Mr. KEARNS. Is it contemplated to report an omnibus bill for public buildings?

Mr. THOMPSON. It is proposed to pass an omnibus bill, but not at this session.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object, I want to inquire of the gentleman regarding the present quarters of the court at Santa Fe, and whether or not if this bill be permitted to go through by the extraordinary process of unanimous consent, the old building will still continue to be subject to care by the Government?

Mr. THOMPSON. I will answer that by saying that the building will be a Federal building and will be occupied solely as a courthouse.

Mr. GARD. Is it not the better policy to sell that building and put up a good building and have the courthouse in that new building?

Mr. THOMPSON. Let me explain what the Federal courthouse is. It is not large enough to house the different bureaus of the Government. You must remember that Santa Fe is the State capital; that it was known before New York, Philadelphia, or Washington was thought of.

The present building in Santa Fe was completed in the latter part of 1889 at a cost of \$142,240.50. It is stone faced, two stories and basement, approximately 55 feet by 144 feet 5 inches, with a ground area of 7,943 square feet. It contains 20,349 square feet of floor space within the walls, of which 8,559 square feet is taken up by partitions, corridors, toilets, boiler and fuel rooms, leaving for office and court-room purposes on the first and second floors 9,490 square feet and 2,300 square feet for storage and files in the basement.

The United States district court occupies all the second floor and two rooms on the first floor, in all 5,765 square feet of the available space in the building; the remainder, 3,725 square feet, is assigned to the Interior Department and occupied by the General Land Office.

Mr. GARD. Is there any regular court held in Santa Fe?

Mr. THOMPSON. Yes.

Mr. GARD. Is there any resident judge at Santa Fe?

Mr. THOMPSON. Sure; it is the State capital and the headquarters for all governmental functions in the Southwest. This amendment is an absolute necessity in order that the governmental bureaus may be taken care of.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. JOHNSON of Washington. The State of New Mexico has the largest Federal holdings in it of any State in the Union—the forest reserves and the Indian activities and other Federal activities.

Mr. HUDSPETH. Will the gentleman yield?

Mr. THOMPSON. Yes, to the gentleman from Texas.

Mr. HUDSPETH. I have practiced in this courthouse. The Federal building is inadequate for court purposes. As I under-

stand, the Federal Government is spending there a great deal of money all over the town for rent, and this will be a great saving of money to the Government. Is not that a fact?

Mr. THOMPSON. That is true.

Mr. GARD. What would be the objection to repairing the old Federal building so that courts could be held in it?

Mr. THOMPSON. It does need repairing, but it is not large enough to house the governmental bureaus of the United States. Santa Fe is the headquarters for all the governmental activities in the Southwest.

Mr. GARD. Is there a proposition to supplement this by improving the old building?

Mr. THOMPSON. No; the appropriation is already made, and when this building is completed it can take care of all the governmental activities.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STEENERSON. Reserving the right to object, what are the postal receipts of Santa Fe?

Mr. THOMPSON. For the fiscal year ending June 30, 1918, \$35,765.79; for the first nine months of the fiscal year from July 1, 1918, to March 31, 1919, both dates inclusive, \$49,428.66.

The SPEAKER. Is there objection?

There was no objection.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 681) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes."

Be it enacted, etc., That so much of the act of Congress approved March 4, 1913 (37 Stats., p. 875), as authorized the erection of a building for the accommodation of the post office and United States courts at Santa Fe, N. Mex., be, and the same is hereby, amended so as to require that said building shall be for the accommodation of the post office and other governmental offices, exclusive of the United States courts.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 71, noes 3.

So the bill was passed.

On motion of Mr. THOMPSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. HERNANDEZ and Mr. THOMPSON, by unanimous consent, were given leave to extend their remarks in the Record on the bill just passed.

#### REPAYMENT OF EXCESS PAYMENTS UNDER THE LAND LAWS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2129) to amend an act approved March 26, 1908, entitled "An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws."

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. GARD and Mr. WALSH objected.

#### THE HAWAII NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3654) to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

Mr. CURRY of California. Mr. Speaker, I ask unanimous consent that the bill go to the foot of the calendar.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### SCHOOLHOUSE IN KETCHIKAN, ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8953) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the incorporated town of Ketchikan, Alaska, is hereby authorized and empowered to issue its bonds, in any sum not exceeding \$100,000, for the purpose of constructing a schoolhouse in said town and equipping the same.

Sec. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Ketchikan, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Ketchikan. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

Sec. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

Sec. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding \$1,000 each, the principal to be due in 15 years from the date thereof: *Provided, however,* That the common council of the said town of Ketchikan may reserve the right to pay off said bonds in their numerical order at the rate of \$10,000 or less thereof per annum at any interest period: *Provided further,* That on all bonds paid off the first year after date there shall be paid a premium of 2½ per cent, on all bonds paid off the second year a premium of 2 per cent, on all bonds paid off the third year a premium of 1½ per cent, and on all bonds paid off the fourth year a premium of 1 per cent besides interest. Principal and interest shall be paid in lawful money of the United States of America at the office of the town treasurer of the town of Ketchikan, Alaska, or at such other place as may be designated by the common council of the town of Ketchikan, the place of payment to be mentioned in said bonds: *And provided further,* That each and every such bond shall have the written signature of the mayor and clerk of said town of Ketchikan and also bear the seal of said town.

Sec. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed by the school board of such town under the limitations hereinbefore imposed and under the direction of said common council from time to time as the same may be required for the purposes aforesaid.

Mr. STRONG of Kansas. Mr. Speaker, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 15, strike out the first four letters of the line, so that it will read "annually" instead of "semiannually."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The attention of the Chair is called to the fact that on the last line of the bill the word "be" is evidently omitted after the word "may."

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent that the word "be" be inserted after the word "may" on page 3, line 19.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill came from the committee, did it not?

Mr. STRONG of Kansas. Yes.

Mr. BLANTON. Did not the committee catch this error?

Mr. STRONG of Kansas. In the copy of the bill which I have the word "be" appears, so that in the copy which has been read at the Clerk's desk it is evidently a misprint.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STRONG of Kansas, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### REFUNDING CERTAIN EXCESS PAYMENTS.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to return to the bill (S. 2129) to amend an act approved March 26, 1908, entitled "An act to provide for the repayment of certain commissions, excess payments, and the purchase moneys paid under the public-land laws," which was objected to a moment ago.

Mr. WALSH. Mr. Speaker, I withdraw my objection.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, I object.

Mr. SINNOTT. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. GARD. Yes; but I intend to object.

Mr. SINNOTT. This provides a time limit—

Mr. GARD. I do not think this bill should be taken up on the Calendar for Unanimous Consent. I therefore object.

Mr. SINNOTT. It is to limit the time within which people can present claims against the Government, and the gentleman ought not to object to a measure of that kind. It was introduced at the request of the Interior Department.

Mr. GARD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects.

#### BRIDGE ACROSS CHOCTAWHATCHEE RIVER, FLA.

Mr. MONTAGUE. Mr. Speaker, I rise to ask unanimous consent that the bill (S. 3159) to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge, may be taken up out of order and passed. The facts are that the material is there, the building is waiting, and great public inconvenience is incurred. I hope the House will indulge me and that the Chair will recognize me for that purpose. It is a Senate bill and has already passed the Senate.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, is this bill on the calendar?

Mr. MONTAGUE. Yes; it is on the Calendar for Unanimous Consent, No. 98. The bridge is to be constructed by the State of Florida. The bill has already passed the Senate.

Mr. WALSH. Mr. Speaker, reserving the right to object, I do not think that is just exactly the thing to do, when we are considering the Unanimous Consent Calendar.

Mr. MONTAGUE. We can not get to it to-day unless we consider it now. Heretofore we have always had consent to pass these bridge bills which are practically ministerial action.

Mr. WALSH. I did not hear the reasons for the passage of the bill.

Mr. MONTAGUE. The reasons are that the materials and everything are at hand, and the public authorities of Florida think it very imperative to construct this bridge at the earliest possible moment, and they are delayed awaiting the action of Congress. The bill has already passed the Senate.

Mr. WALSH. The bill has passed the Senate?

Mr. MONTAGUE. It has.

Mr. WALSH. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3159) to authorize the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad Bridge.

*Be it enacted, etc.,* That authority is hereby granted to the State road department of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Choctawhatchee River at a point suitable to the interests of navigation, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. MONTAGUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### HAWAII NATIONAL PARK.

Mr. CURRY of California. Mr. Speaker, I ask unanimous consent to return to Calendar No. 74, H. R. 3654; the objection made to the bill will be withdrawn.

The SPEAKER. The Chair could not hear the gentleman.

Mr. CURRY of California. Mr. Speaker, I ask unanimous consent to return to Calendar No. 74 and take up for consideration the bill H. R. 3654; the objection will be withdrawn.

The SPEAKER. The gentleman from California asks unanimous consent to return to the bill indicated. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 3654) to authorize the governor of the Territory of Hawaii to acquire privately owned land and rights of way within the boundaries of the Hawaii National Park.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. CRAMTON. Mr. Speaker, my objection having been removed by assurances from the gentleman from California, I withdraw any objection on my part.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, was not this bill sent to the foot of the calendar a moment ago?

Mr. CURRY of California. I asked unanimous consent to return, and unanimous consent was given.

Mr. GARD. But you have to vacate the order sending it to the foot of the calendar.

The SPEAKER. It may be taken up by unanimous consent, even if it were sent to the foot of the calendar, the Chair thinks.

Mr. MADDEN. Regular order.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. CURRY of California. I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the governor of the Territory of Hawaii is hereby authorized to acquire, by exchange or otherwise, all privately owned lands lying within the boundaries of the Hawaii National Park as defined by "An act to establish a national park in the Territory of Hawaii," approved August 1, 1916, and all necessary perpetual easements and rights of way, or roadways, in fee simple, over or to said land or any part thereof.

The SPEAKER. The question is on the third-reading of the bill.

The bill was ordered to be engrossed and read the third time.

Mr. CURRY of California. Mr. Speaker, I move to amend the bill. Line 4, after the word "acquire," insert the words "at the expense of the Territory of Hawaii."

The SPEAKER. The bill has already been ordered to be engrossed and read the third time. The Chair thinks that will have to be vacated.

Mr. CURRY of California. I did not think the amendment was necessary, Mr. Speaker, but I offered it—

Mr. CRAMTON. Mr. Speaker—

Mr. CURRY of California. For that reason I would like—

Mr. CRAMTON. Mr. Speaker, the bill has never been read beyond section 1. There are two sections in the bill. It has never been read beyond section 1.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to vacate the last vote taken in order that the amendment of the gentleman from California may be offered.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to vacate the last vote. Is there objection? [After a pause.] The Chair hears none.

Mr. CURRY of California. Mr. Speaker, I offer to amend section 1, line 4, after the word "acquire," add "at the expense of the Territory of Hawaii."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CURRY of California: Page 1, line 4, after the word "acquire," insert the words "at the expense of the Territory of Hawaii."

The SPEAKER. The second section of the bill has not been read.

The Clerk read as follows:

SEC. 2. That the provisions of section 73 of an act entitled "An act to provide a government for the Territory of Hawaii, approved April 30, 1900, as amended by an act approved May 27, 1910, relating to exchanges of public lands, shall not apply in the acquisition, by exchange, of the privately owned lands herein referred to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 54, noes 3.

So the bill was passed.

On motion of Mr. CURRY of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LIBRARY INFORMATION SERVICE.

Mr. VAILE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill H. R. 6870, on this calendar. I apprehend we will not reach it to-day. It is for the purpose of providing for a library information service in the Bureau of Education.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the Record on the subject indicated. Is there objection?

Mr. BLANTON. Reserving the right to object, I shall not object—

Mr. WALSH. Regular order, then, Mr. Speaker.

Mr. BLANTON. If he is going to include this propaganda we have been getting—

The SPEAKER. Regular order is called for.

#### HOOR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, I should like to ask the reason.

Mr. MONDELL. The idea is that the House has a number of very important matters before it, and will have from now until adjournment. If we are to adjourn at the time we hope to, it will be necessary, probably, on several occasions, to meet as early as 11 o'clock.

Mr. ANDERSON. We have wasted enough time to-day to pass six or seven of them.

Mr. MONDELL. I do not know that we have wasted time. At any rate, neither the gentleman from Minnesota nor myself is responsible for the waste of time, if any was wasted. It is important we should meet a little earlier to-morrow in order to dispose of matters that are coming before the House.

Mr. WALSH. Does the gentleman think if we had begun meeting at 11 o'clock a little earlier in the session we would have been here now? If we meet at 11 o'clock now and try to push things through in a jam—

Mr. MONDELL. We are not trying to do that. But some of the matters we hope to dispose of are to be reported, and we want to take them up as soon as we can.

Mr. WALSH. Meeting at 11 o'clock will not hasten the report.

Mr. MONDELL. It will shorten the time for disposing of matters before us, so that when these bills are reported we can take them up promptly.

Mr. WALSH. What is there pending that calls for meeting at 11 o'clock.

Mr. CRAMTON. It will help us to make up the time we lost yesterday.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

Mr. WALSH. Mr. Speaker, I object.

Mr. MONDELL. I hope the gentleman from Massachusetts will reconsider that matter; I have not made this request lightly; and I have not made it without discussion with Members of the House who desire to bring up matters to-morrow. It is very important that we shall dispose of the business before the House. There is not any reason why we should not meet at 11 o'clock.

Mr. WALSH. I should like to know what it is.

Mr. MONDELL. There are two matters that we hope to bring up to-morrow. One is a report from the War Department investigating committee, and that will take an hour, perhaps, or an hour and a half, and in addition to that I should like to dispose of the bill from the Banking and Currency Committee that is now before the House.

The SPEAKER. Is there objection?

Mr. BEGG. I object, Mr. Speaker.

#### LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. FULLER of Illinois, for one week, on account of important business.

To Mr. SINCLAIR, for an indefinite period, on account of important business.

To Mr. TOWNER, for three days, on account of important business.

#### LEAVE TO FILE REPORT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

Mr. RAKER. Will the gentleman withhold that just a minute? Mr. Speaker, I ask unanimous consent that I may have permission to file a supplemental report on the bill H. R. 1125.

Mr. WALSH. Mr. Speaker, I object.

#### ADJOURNMENT.

The SPEAKER. The gentleman from Wyoming moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until Thursday, November 6, 1919, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chairman of the Interstate Commerce Commission, transmitting copy of a letter addressed to the Secretary of War, calling attention to certain erroneous statements of fact and incorrect interpretations of law contained in House Document No. 1521, Sixty-fifth Congress, third session (H. Doc. No. 289); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting communication from the Acting Secretary of State, submitting estimate of appropriation for purchase of buildings and grounds for the embassy at Brussels, Belgium, fiscal year 1920 (H. Doc. No. 290); to the Committee on Foreign Affairs and ordered to be printed.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS:

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WASON: A bill (H. R. 10365) for the purpose of improving the facilities and service of the Bureau of War Risk Insurance; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 10366) to provide adequate subsistence for those employed at lighthouse stations and on lightships; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 10367) to amend an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10368) to amend an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10369) to amend an act to regulate commerce, approved February 4, 1887, as amended, so as to provide that not exceeding \$20,000 of the salary or compensation paid any official of any railroad company shall be charged to operating expenses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 10370) creating and establishing an inferior district court in each district of the United States of America, and defining the jurisdiction and providing for the appointment of judges for said courts, and for other purposes; to the Committee on the Judiciary.

By Mr. WASON: A bill (H. R. 10371) making an appropriation to be expended under the provisions of the act of March 1, 1911 (36 Stats., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands and for the purpose of surveying the navigability of unnavigable streams," as amended; to the Committee on Agriculture.

By Mr. WEAVER: A bill (H. R. 10372) making an appropriation to be expended under the provisions of the act of March 1, 1911 (36 Stats., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands and for the purpose of surveying the navigability of unnavigable streams," as amended; to the Committee on Agriculture.

By Mr. SHERWOOD: A bill (H. R. 10373) to amend section 1406 of the revenue act of 1913, approved February 24, 1919; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 10374) giving the courts in naturalization proceedings further powers and requiring additional facts to be shown before final naturalization papers are issued to applicants, and for other purposes; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 10375) to authorize the joint use of reservoirs, canals, laterals, pipe lines, flumes, tunnels, or other water conduits used to promote irrigation, mining, quarrying, the supply of water for domestic, public, or any other beneficial uses, or for the generation and transmission of hydroelectric power, and for other purposes; to the Committee on the Public Lands.

By Mr. HAUGEN: A bill (H. R. 10376) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917; to the Committee on Agriculture.

By Mr. SELLS: A bill (H. R. 10377) making appropriations to be expended under the provisions of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands, and for the purpose of surveying the navigability of unnavigable streams," as amended; to the Committee on Agriculture.

By Mr. GREENE of Massachusetts: A bill (H. R. 10378) to provide for the promotion and maintenance of the American

merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. BYRNES of South Carolina: A bill (H. R. 10379) to prohibit and punish certain seditious acts against the Government of the United States, and to prohibit the use of the mails for the purpose of promoting such acts; to the Committee on the Judiciary.

By Mr. HULL of Iowa: A bill (H. R. 10380) to create a department of aeronautics; to the Committee on Military Affairs.

By Mr. PARRISH: A bill (H. R. 10381) authorizing the Postmaster General to advance certain fourth-class post offices to the appropriate presidential class whenever he deems it in the public interest so to do, and directing him to grant the necessary authority and allowances for sufficient clerk hire at such offices; to the Committee on the Post Office and Post Roads.

By Mr. BURKE: Resolution (H. Res. 374) authorizing the President of the United States to take over and operate the coal mines for the period of one year, or so long thereafter as in his discretion may be necessary for the public good; to the Committee on the Judiciary.

By Mr. BRAND: Memorial from the Legislature of the State of Georgia, memorializing Congress to enact legislation whereby the Okefenokee Swamp may be made a national park reservation, and for other purposes; to the Committee on the Public Lands.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 10382) granting an increase of pension to Huston M. Jones; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10383) granting a pension to George W. Shafer; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 10384) granting a pension to Arthur A. Roberts; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 10385) granting a pension to Cora B. Kelley; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 10386) granting a pension to Joseph R. McKeever; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 10387) granting a pension to George W. Rabel; to the Committee on Pensions.

Also, a bill (H. R. 10388) granting an increase of pension to Thomas Kerrigan; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 10389) granting an increase of pension to William H. Brown; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10390) granting a pension to Mary Jane McDonald; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 10391) granting an increase of pension to Charles C. Chilson; to the Committee on Pensions.

Also, a bill (H. R. 10392) granting a pension to Margaret Huling; to the Committee on Pensions.

By Mr. RANDALL of California: A bill (H. R. 10393) granting an increase of pension to Jasper N. Pankey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10394) granting an increase of pension to Julia A. Marugg; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 10395) to correct the military record of James Montgomery; to the Committee on Military Affairs.

By Mr. RICKETTS: A bill (H. R. 10396) granting an increase of pension to Joseph W. Santee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10397) granting an increase of pension to Christopher Slatzer; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 10398) granting an increase of pension to John W. Wright; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10399) for the relief of C. C. Acklin; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 10400) granting a pension to Hester Walk; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURDICK (by request): Resolution of Newport Lodge, No. 119, International Association of Machinists, Govern-

ment employees, of Newport, R. I., protesting against imprisonment of certain Hindus in this country and demanding that their persecution cease; to the Committee on Foreign Affairs.

By Mr. CURRY of California: Petition of Liberty Parlor, No. 213, Native Sons of the Golden West, and Galt Parlor, No. 243, Native Sons of the Golden West, of California, opposing oriental immigration; to the Committee on Immigration and Naturalization.

Also, petition of Napa Parlor, No. 62, Native Sons of the Golden West, opposing oriental immigration; to the Committee on Immigration and Naturalization.

Also, petition of Hon. William D. Stephens, governor of California, urging an adequate tariff on foreign-grown beans; to the Committee on Ways and Means.

By Mr. GALLAGHER: Petition of St. Michael the Archangel Society, of Chicago, Ill., concerning Lithuanian independence; to the Committee on Foreign Affairs.

By Mr. JAMES: Petition of Baraga Council, Iron Mountain, Mich., opposing the Army taking over the welfare work at the various camps; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of Public School Teachers' Association, of Baltimore, Md., indorsing the so-called Smith-Towner bill; to the Committee on Education.

Also, petition of Bishop John Hurst, of Baltimore, Md., favoring passage of House resolution 319 for an investigation of the race riots; to the Committee on Rules.

Also, petition of McCormick & Co., of Baltimore, Md., regarding the longshoremen's strike; to the Committee on the Judiciary.

Also, petition of Charles S. Baldwin, of Baltimore, Md., supporting the Myers bill prohibiting the experimentation on living dogs; to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of the Philadelphia Board of Trade, urging the passage of the export finance bill, amending the Federal reserve act; to the Committee on Banking and Currency.

By Mr. RAKER: Petition of D. D. Ferguson and Mrs. D. Ferguson, of Portola, Calif., protesting against Senate bill 2906; to the Committee on Interstate and Foreign Commerce.

Also, petition of S. H. Tyler & Son, Sanborn, Vail & Co., and H. M. Heinemann Sons, all of San Francisco, Calif., opposing House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Big Valley Parlor, No. 211, Native Sons of the Golden West, of Bieber, and Dolores Parlor, No. 208, Native Sons of the Golden West, of San Francisco, both in the State of California, urging prohibition of immigration from oriental countries; to the Committee on Immigration and Naturalization.

Also, petition of California Club, of San Francisco, Calif., favoring preservation of suitable acreage in the Sequoia forests in California; to the Committee on Agriculture.

Also, petition of Shasta Water Co., of San Francisco, Calif., favoring the Dallinger bill to prohibit the exportation of sugar; to the Committee on Interstate and Foreign Commerce.

Also, petition of Western Forestry and Conservation Association, of Portland, Oreg., urging sufficient appropriation for proper attention to forest experiment stations; to the Committee on Agriculture.

Also, petition of California Joint Stock Land Bank, of San Francisco, Calif., protesting against any attempt to weaken the farm-loan act; to the Committee on Agriculture.

Also, petition of Fageol Motors Co., of Oakland, Calif., indorsing House bill 9412; to the Committee on Military Affairs.

Also, petition of Fageol Motors Co., of Oakland, Calif., indorsing Townsend good-roads measure; to the Committee on Roads.

Also, petition of California Retail Grocers' and Merchants' Association, protesting against House bill 8315; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL of Wisconsin: Petition of eight Lithuanian organizations of the city of Kenosha, Wis., requesting official recognition of the independence of the Lithuanian Government; to the Committee on Foreign Affairs.

By Mr. ROWAN: Petition of L. D. Gardner, of New York, favoring passage of the Air Service appropriation; to the Committee on Appropriations.

Also, petition of the Wholesale Coal Trade Association of New York, presenting facts pertaining to the present coal-strike crisis; to the Committee on the Judiciary.

Also, petition of Julian Loebenstein, favoring universal military training as prescribed by the Kahn-Chamberlain bill; to the Committee on Military Affairs.

## SENATE.

THURSDAY, November 6, 1919.

(Legislative day of Monday, November 3, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hitchcock	Myers	Smith, Md.
Brandegee	Johnson, Calif.	Nelson	Smith, S. C.
Calder	Johnson, S. Dak.	New	Smoot
Capper	Jones, N. Mex.	Norris	Spencer
Chamberlain	Jones, Wash.	Nugent	Sutherland
Colt	Kellogg	Overman	Thomas
Curtis	Kendrick	Page	Townsend
Dial	Keyes	Phelan	Trammell
Dillingham	Knox	Pittman	Underwood
Edge	La Follette	Polindexter	Wadsworth
Elkins	Lenroot	Pomerene	Walsh, Mont.
Gay	Lodge	Ransdell	Watson
Gerry	McCormick	Reed	Williams
Gronna	McCumber	Robinson	Wolcott
Harris	McLean	Sheppard	
Harrison	McNary	Smith, Ariz.	
Henderson	Moses	Smith, Ga.	

Mr. DIAL. I wish to announce that the junior Senator from Arkansas [Mr. KIRBY] is absent on official business.

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] and the Senator from Maine [Mr. FERNALD] are absent on official business.

Mr. GERRY. I wish to announce that the Senator from Colorado [Mr. PHIPPS], the Senator from Massachusetts [Mr. WALSH], the Senator from Iowa [Mr. KENYON], and the Senator from South Dakota [Mr. STELLING] are absent at a meeting of the Subcommittee of the Committee on Education and Labor. I wish also to announce that the senior Senator from Alabama [Mr. BANKHEAD] is detained from the Senate by illness and to announce the absence on official business of the Senator from Arizona [Mr. ASHBURST], the Senator from Florida [Mr. FLETCHER], the junior Senator from Tennessee [Mr. MCKELLAR], the Senator from Arkansas [Mr. ROBINSON], the Senator from Virginia [Mr. SWANSON], and the Senator from North Carolina [Mr. SIMMONS]. The Senator from Utah [Mr. KING], the Senator from Oklahoma [Mr. GORE], the senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], and the senior Senator from Tennessee [Mr. SHIELDS] are absent on public business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

## RETURN OF MORTAL REMAINS OF AMERICAN SOLDIERS.

The VICE PRESIDENT. As in legislative session, and in accordance with House concurrent resolution 36, adopted yesterday, for the appointment of a joint committee of the two Houses to represent the Congress at the port of New York on the arrival of the steamship *Lake Daraga*, on or about November 9, bearing the first bodies of the American soldiers from the fields of the World War, the Chair appoints as the Senate members thereof Mr. WADSWORTH, Mr. CHAMBERLAIN, Mr. NEWBERRY, Mr. BECKHAM, Mr. MCCORMICK, and Mr. POMERENE.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3379) to establish the Utah National Park in the State of Utah; to the Committee on Public Lands.

A bill (S. 3380) granting a pension to Frances D. Miller; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3381) for the relief of Gertrude Lustig; to the Committee on Claims.

A bill (S. 3382) to authorize the Secretary of War to transfer to the Chief of Engineers, United States Army, for the execution of civil works, surplus property pertaining to the Military Establishment;

A bill (S. 3383) to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service;

A bill (S. 3384) to provide for burial and transportation of remains of certain officers and enlisted men of the reserve forces of the United States;

A bill (S. 3385) to authorize the War Department to restore the Chickamauga and Chattanooga National Park to its condi-